

TOWN OF COTTAGE GROVE
LAND DIVISION AND PLANNING CODE

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CHAPTER 15

LAND DIVISION AND PLANNING CODE

15.1 INTRODUCTION.

15.1.1 Land Division Authority.

The land division regulations contained herein are adopted under the authority granted by Sec. 236.45 of the Wisconsin Statutes.

15.1.2 Purpose.

The purpose of the code is to regulate and control the division of land within the corporate limits of the Town in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community; to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this code; and to provide penalties for its violation.

15.1.3 Abrogation and Greater Restrictions.

This code is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulation or permits previously adopted or issued pursuant to laws. However, where this code imposes greater restriction, the provisions of this code shall govern.

15.1.4 Interpretation.

In their interpretation and application, the provisions of this code shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

15.1.5 Plan Commission Recommendation Responsibility.

Generally, the Plan Commission shall make recommendations to the Town Board to approve or object to preliminary plats, final plats, and certified surveys, to the extent necessary to implement the provisions of this code. The Plan Commission shall have other responsibilities regarding land use and land divisions as more specifically set forth in sec. 15.21 of this code.

15.1.6 Severability.

The provisions of this code are severable. If any provision of the code is invalid, or if its application to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

15.1.7 Title.

This code shall be known as, referred to, and cited as the “Land Division and Planning Code.” It shall also be referred to as the “code” or “Code” in this Chapter.

15.1.8 Effective Date.

This code shall take effect on the date after its publication as provided by law.

15.2 GENERAL PROVISIONS.

15.2.1 Jurisdiction.

Jurisdiction of these regulations shall include all lands within the Town.

15.2.2 Compliance.

No person, firm, corporation, partnership, or legal entity of any sort shall divide any land located within the Town which results in a land division, subdivision, or a replat as defined herein, no such land division, subdivision, or replat shall be entitled to record, and no street shall be laid out or improvements made to land without compliance with all requirements of this code and with:

- 15.2.2.1 The provisions of Chapter 236 of the Wisconsin Statutes;
- 15.2.2.2 The provisions of Sec. 28 of the Dane County Ordinances;
- 15.2.2.3 The provisions of Sec. 30 of the Dane County Ordinances;

- 15.2.2.4 The rules of the Wisconsin Departments of Commerce and Natural Resources regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made;
- 15.2.2.5 The rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.
- 15.2.2.6 The Comprehensive Plan and any applicable ordinances, official maps and regulations.

15.2.3 Contract and Security for Improvements.

- 15.2.3.1 Contract. Before any final plat, certified survey map, or comprehensive development plan is inscribed by the Clerk, the subdivider shall enter a contract with the Town wherein the subdivider agrees:
 - 15.2.3.1.1 To make and to install all required improvements within eighteen months or, where staging is permitted, within four years of the date that the plat, certified survey map, or comprehensive development plan is recorded.
 - 15.2.3.1.2 To include the Surface water run—off statement, “The owners of lands in this subdivision are estopped from commencing any action whatsoever against the Town of Cottage Grove, Dane County, Wisconsin for damages caused by surface water runoff or drainage”. This statement must also be included as a covenant on the final plat.

The Town Board may permit construction to be staged pursuant to an installation and completion schedule. Where staging is permitted, the Town Board will accept the public improvements within designated parts of the subdivision, land division, or comprehensive development when they have been completed in accordance with the approved plans and specifications and have passed the necessary inspections, even though the particular improvements may not have been completed within the remainder of the subdivision, land division, or comprehensive development.

- 15.2.3.2 Security for Performance Required.

- 15.2.3.2.1 At the time the contract is entered, the subdivider shall furnish a bond, certificate of deposit, irrevocable letter of credit or certified check to the Town in an amount equal to 100% of the estimated cost of all required improvements as determined by the Town Engineer. Where staging is permitted, the amount of the security and the time it is furnished shall be determined in accordance with sec. 15.2.3.2.2 of this code.
- 15.2.3.2.2 Where staging is permitted, the subdivider shall deposit a bond, certificate of deposit, irrevocable letter of credit or certified check with the Town at the time the contract is entered and upon completion of the first and each successive stage of construction. The security deposit shall be an amount equal to 100% of the estimated cost of improvements next required by the installation and construction schedule as determined by the Town Engineer. Improvements constructed during the first stage and each successive stage of construction shall not be accepted nor shall any building permit be issued for construction within the completed area of the subdivision or comprehensive development until the security required for the next stage of construction has been posted with the Town.
- 15.2.3.2.3 The security posted shall be in such form as is acceptable to the Town Board and approved by the Town Attorney. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Town. When a letter of credit is posted as security the Town must be the beneficiary.
- 15.2.3.2.4 The security deposit shall guarantee that all required improvements will be made and installed according to Town specifications by the subdivider or its contractors not later than eighteen (18) months from the date that the plat is recorded or, where staging is permitted, that each stage will be completed by the date specified in the installation and completion schedule, and shall be used, applied, or released pursuant to Sec. 15.12 of this code.
- 15.2.3.2.5 The subdivider shall be responsible for maintaining security beyond eighteen (18) months or until the subdivider is released from such security, in written resolve from the Town.
- 15.2.3.2.6 Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

15.2.4 Dedication and Reservation of Land.

15.2.4.1 Dedication of Public Ways. Whenever a tract of land being divided or subdivided embraces all or any part of street, drainageway or other public way which has been designated in the Town Comprehensive Plan, park plan, or the official Town map, said public way shall be made a part of the plat or survey map and dedicated by the subdivider in the locations and dimensions indicated on said plan or map.

15.2.4.2 Dedication of Parks, Playgrounds, Recreation and Open Spaces.

15.2.4.2.1 The subdivider shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division or subdivision. At least 2,000 square feet of land shall be dedicated for each proposed residential dwelling unit within the land division, subdivision or comprehensive development. Where a definite commitment is made to the Town by the subdivider with respect to the number of dwelling units to be constructed on any parcel of land which has a zoning classification that permits multifamily use, the dedication shall be based upon that number. Where no such commitment exists, the dedication shall be based upon the maximum number of dwelling units which the zoning classification of the parcel will permit. The subdivider will be responsible for final grading and seeding of parkland to the satisfaction of the Town Highway Superintendent and in compliance with other specifications.

15.2.4.2.2 All parkland shall be seeded to the satisfaction of the Town Highway Superintendent and in compliance with the following minimum requirements:

The seed mixture shall be Madison Parks, conforming to the following properties:

39.2% Kentucky Blue Grass

24.5% Creeping Red Fescue

19.9% Park Kentucky Blue Grass

4.95% Chewing Fescue

9.95% Perennial Rye Grass.

Seed shall be applied at a rate of 3.5 pounds per 1,000 square feet.

A seed certificate showing purity and germination per cent shall be provided

Fertilizer shall be 10-10-10 at a rate of 7 pounds per 1,000 square feet.

Mulching operations shall commence immediately after seeding in a manner specified by the Town Highway Superintendent.

- 15.2.4.2.3 Where, in the sole discretion of the Town Board, there is no land suitable for parks within the proposed land division or subdivision, the dedication of land required by sec. 15.2.4.2.1 is not feasible, the dedication of land would not be compatible with the Town Comprehensive Plan, or the Town Board determines that a cash contribution will better serve the public interest, the Town Board may require the subdivider to pay a fee in lieu of making the required land dedication.
- 15.2.4.2.4 The amount of any fee imposed shall be determined as follows: the number of proposed residential dwelling units within the plat shall be multiplied by 2,000; then the resulting product shall be divided by 43,500; and then the resulting quotient shall be multiplied by the fair market value of an acre of residential land within the plat as determined by the Town Assessor.
- 15.2.4.2.5 The Town Board may, in its sole discretion, permit the subdivider to satisfy the requirements of sec. 15.2.4.2.1 by combining a land dedication with a fee payment. The fee, in such cases, shall be determined by subtracting the fair market value of the dedicated land, as determined by the Town Assessor, from the total fee which would have been imposed had no land been dedicated by the subdivider.
- 15.2.4.2.6 The Town shall place any fee collected pursuant to the provisions of this section in a separate account to be used for land acquisition and development of adequate park, playground, recreation and open space to meet the needs created by the land division, subdivision or comprehensive development.
- 15.2.4.2.7 Payment of land dedication fees shall be in a lump sum prior to the recording of a final plat or certified survey map or prior to the issuance of any building permit for a development where no plat or certified survey map is involved.
- 15.2.4.2.8 In addition to the land dedication required by 15.2.4.2.1 or the fee in lieu of dedication under 15.2.4.2.3-4 or the combination thereof under 15.2.4.2.5, there shall be a parkland equipment fee imposed as follows. The parkland equipment fee shall be determined as follows: the number of proposed residential dwelling units within the plat shall be multiplied by 2,000; then the resulting product

shall be divided by 43,500; then the resulting quotient shall be multiplied by the fair market value of an acre of residential land within the plat as determined by the Town Assessor; and then this value shall be multiplied by 35%. The Town shall place the parkland equipment fee collected pursuant to this paragraph in a separate account to be used for acquisition of adequate park and playground equipment, structures, improvements and facilities.

15.2.4.3 Reservation of Public Sites and Open Spaces. In designing a land division, subdivision or comprehensive development, due consideration shall be given to the reservation of suitable Sites of adequate area for future schools, parks, playgrounds, drainageways, and other public purposes. In the location of such, consideration shall be given to the preservation of scenic and historic sites, stands for fine trees, marshes, lakes and ponds, water courses, watersheds, and ravines. The subdivider may be required to reserve such school, park, recreation and public use areas for a period not to exceed two (2) years for acquisition by the Town, or in the case of school areas by the school district, at undeveloped land costs.

15.2.4.4 Limitation. A subdivider shall not be required to dedicate more than one-third (1/3) of the total area of the plat to meet the objectives of secs. 15.2.4.1 and 15.2.4.3, provided that any excess dedication requirements shall be met by payment of a fee determined in accordance with secs. 15.2.4.2.3, 15.2.4.2.4, 15.2.4.2.6, and 15.2.4.2.7. The developer may dedicate excess lands in lieu of such fees or any portion thereof if appropriate Town authorities approve such excess dedications.

15.2.5 Survey Monuments.

Before final approval of any plat or certified survey map, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Town Engineer. The Town Board may waive the placing of monuments, required under sec. 236.15(1)(b), (c) and (d) of the Wisconsin Statutes, for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

15.2.6 Land Suitability.

No land shall be subdivided which the Town Board determines to be unsuitable for use by reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be

harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Town Board, in applying the provisions of this section, shall recite in writing the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and shall afford the subdivider an opportunity to be heard and to present evidence regarding such unsuitability.

Thereafter, the Town Board may affirm, modify, or withdraw its determination of unsuitability.

15.2.7 Outlots.

No outlot in a subdivision may be used as a building site unless it is in compliance with all restrictions imposed by Chapter 236 of the Wisconsin Statutes and the provisions of this code. No outlot in a land division may be used as a building site unless it is in compliance with all the provisions of this code. An outlot may be conveyed whether or not it may be used as a building site.

15.2.8 Land Use and Land Division Application (*Notice of Intent for Change of Land Use Form.*)

- 15.2.8.1 Every applicant for a land division or a change of land use for any parcel in the town, shall notify the Town Board of their intention by filing a notice of intent for change of land use form with the Town Clerk. A current copy of this form is attached as Appendix 15-A, with the same force and effect as if it were fully reprinted herein.
- 15.2.8.2 The specified form shall be provided by the Town Clerk at no charge to the applicant. The form may be revised as directed by action of the Town Board and without amendment of this code. Only the current edition of the form shall be used when making application. Failure to provide all required information shall be grounds for denial of the application.
- 15.2.8.3 Every applicant for a land division or a change of land use for a parcel within the town, shall make application to the Town Board prior to applying to any other land division or zoning authority.

15.2.9 Violations.

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this code or of the Wisconsin Statutes; and no person, partnership, corporation, or legal entity of any sort shall be issued a building permit by the Town authorizing the building on, or improvement of, any land

division, subdivision, or replat within the jurisdiction of this code not of record as of the effective date of this code until the provisions and requirements of this code have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this code or the applicable Wisconsin Statutes.

15.2.10 Penalties.

Any person, partnership, corporation, or legal entity of any sort who fails to comply with the provisions of this code shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense. Further, any person, partnership, corporation, or legal entity that fails to comply with the requirements of this code shall be denied Town Board approval of their application for a land division or a change of land use, until such time as the applicant has fully complied with all the provisions of this code.

15.2.11 Appeals.

15.2.11.1 The following decisions of the Plan Commission may be appealed to the Town Board:

- 15.2.11.1.1 Rejection of a preliminary plat;
- 15.2.11.1.2 Rejection of final plat;
- 15.2.11.1.3 Rejection of a certified survey map;
- 15.2.11.1.4 Rejection of a Comprehensive Development Plan;
- 15.2.11.1.5 Requirement of a preliminary plat in connection with a land division;
- 15.2.11.1.6 Determination that land is unsuitable for subdivision;
- 15.2.11.1.7 Determination that a change in a recorded Comprehensive Development Plan and its exhibits is a major change;
- 15.2.11.1.8 Rejection of a proposed change in a recorded Comprehensive Development Plan and its exhibits.

- 15.2.11.2 A written Notice of Appeal must be filed with the Town Clerk within 14 days of the date when notice of the action of the Plan Commission appealed from is mailed to the subdivider.
- 15.2.11.3 The Notice of Appeal shall state the action of the Plan Commission appealed from, shall specify the reasons stated by the Plan Commission for taking such actions; shall specify the reasons why the subdivider believes said action was inappropriate; shall include an agreement to extend the time for acting on the preliminary plat, final plat, or certified survey, for a period of ninety (90) days from the date that notice of the action appealed from was mailed to the subdivider; and shall state the names and addresses of the owners of all properties adjacent to the proposed land division or subdivision.
- 15.2.11.4 The Clerk shall file the Notice of Appeal with the Board and shall schedule the appeal for consideration by the Board at a meeting, open to the public, within forty-five (45) days of the filing of the Notice of Appeal. The Clerk shall send notice of the time scheduled for the consideration of the appeal to the subdivider and to all property owners adjacent to the proposed land division or subdivision at least ten (10) days prior to the hearing of the appeal.
- 15.2.11.5 Within thirty (30) days of the appeal hearing, the Board shall affirm, modify, or reverse the action of the Plan Commission or shall refer the matter back to the Plan Commission for further consideration. Notice of the decision of the Board shall be sent to the subdivider and the Plan Commission.
- 15.2.11.6 The provisions of Chapter 68 of the Wisconsin Statutes shall not be applicable to any determination made pursuant to the provisions of this code.
- 15.2.11.7 Any person aggrieved by an objection to a plat or a failure to approve a plat may, after review by the Board, appeal therefrom, as provided in secs. 236.13(5) and 62.23 (7) (e) 10 to 15 of the Wisconsin Statutes.

15.3 PROCEDURE

15.3.1 Pre-Application.

Prior to the filing of an application for the approval of a preliminary plat, or certified survey, the subdivider shall consult with the Plan Commission to obtain their advice and assistance, to be informed of the purpose and objectives of these regulations, of any applicable master plans or

comprehensive plans and of any plan implementation devices, and to be otherwise assisted in planning the subdivision or land division.

15.3.2 Preliminary Plat Review.

- 15.3.2.1 Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a written application for approval, and shall file ten (10) copies of the plat and the application with the Town Clerk at least twenty—one (21) days prior to the meeting of the Plan Commission at which action is desired. The subdivider shall also forward a copy to the local electric and telephone utilities. The subdivider shall transmit all copies and required information to any other authorities required by Chapter 236, Wis. Stats., or any other local or state law.
- 15.3.2.2 The preliminary plat shall cover the entire area owned or controlled by the subdivider even though only a small portion thereof is proposed for development at the time, and shall be prepared in accordance with this code. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purpose of the code and undue hardship would result from strict application thereof. Where a subdivider has control of lands equal to or in excess of 35 acres separated only by existing public roads or railroads, in lieu of a preliminary plat on the entire area, he may elect to submit a comprehensive development plan.
- 15.3.2.3 The Clerk shall forward seven (7) copies of the preliminary plat to the Plan Commission which shall examine it for conformity with the requirements of this code and with the requirements of any other ordinances, statutes or administrative rules and regulations, and for compliance with the Town Comprehensive Plan.
- 15.3.2.4 The Plan Commission shall recommend approval or conditional approval or rejection of the plat to the Board. If approval or conditional approval is recommended, the preliminary plat shall be referred to the Board for consideration. The Board shall then approve, conditionally approve, or reject the preliminary plat. One copy of the plat shall be returned to the subdivider, his surveyor, or engineer with the date and action endorsed thereon; and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Board, failure to complete the action herein required within ninety (90) days of filing of the preliminary plat shall constitute an approval of the preliminary plat.

- 15.3.2.5 Approval or conditional approval of a preliminary plat shall entitle the final plat to approval provided the final plat conforms substantially to the preliminary, including any conditions of that approval, conforms to any applicable local plans and ordinances, and is submitted within six (6) months of the last required approval of the preliminary plat.

15.3.3 Final Plat Review.

- 15.3.3.1 The subdivider shall prepare and file ten (10) copies of the final plat together with a written application for approval with the Town Clerk within six (6) months of the approval of the preliminary plat and at least fourteen (14) days prior to the meeting of the Plan Commission at which action is desired. When the subdivider expects the Town to act as the transmitting authority in accordance with sec. 236.12, Stats., the application shall state that transmittal responsibilities lie with the Town, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
- 15.3.3.2 The Clerk shall forward seven (7) copies of the plat to the Plan Commission. The Plan Commission shall examine it for conformity with the preliminary plat, with the requirements of this code, and with the requirements of any other ordinances, statutes, or administrative rules and regulations which may be applicable to it.
- 15.3.3.3 The Plan Commission shall recommend approval /rejection of the final plat to the Board. If approval is recommended, the final plat shall be referred to the Board for consideration. The Board shall then approve or reject the final plat. One copy of the plat shall then be returned to the subdivider, his surveyor, or engineer with the date and action endorsed thereon, and if approved conditionally or rejected, the conditions for approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Board, failure to complete the action required herein within sixty (60) days of filing the final plat shall constitute an approval of the final plat.
- 15.3.3.4 The final plat shall be entitled to approval provided it conforms substantially to the preliminary plat as approved, including any conditions of that approval, and conforms with any applicable Town plans and ordinances. If the final plat is not submitted within six (6) months of the last required approval of the preliminary plat,

the Plan Commission shall reject the final plat regardless of the prior action taken on the preliminary plat.

15.3.3.5 The subdivider shall file a certified copy of the final plat with the Clerk within ten (10) days after it has been recorded.

15.3.3.6 The Plan Commission shall, when it determines to recommend approval of a final plat, give at least ten (10) days prior written notice of its intention to the clerk of any municipality within 1,000 feet of the plat, provided, however, that failure to give such notice shall not invalidate any plat.

15.3.4 Replats.

15.3.4.1 When it is proposed to replat a recorded subdivision, or part thereof, so as to change its boundaries or any part thereof, the person wishing to replat shall vacate or alter the recorded plat as provided in secs. 236.36 through 236.44 of the Wisconsin Statutes and shall then proceed as specified in secs. 15.3 through 15.7 of this code.

15.3.4.2 Whenever a preliminary plat of a replat is filed, the Plan Commission shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be mailed, at the subdivider's expense, to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties adjacent to the proposed replat.

15.3.5 Land Divisions by Certified Survey.

15.3.5.1 A certified survey map which has been approved by the Plan Commission and the board, and meets all of the requirements of sec. 236.34 of the Wisconsin Statutes and of this code, may be utilized to create not more than four (4) parcels or building sites, thirty—five (35) acres each or less in size. The Plan Commission may require a preliminary plat to be filed by a subdivider who is seeking approval of a certified survey map. When required, the preliminary plat must include the entire parcel of land owned or controlled by the subdivider. When a preliminary plat is not required, the certified survey map shall include the entire parcel owned by the subdivider. The subdivider shall comply with the requirements of secs. 15.9 and 15.10 of this code when a certified survey map is used unless a waiver has been granted pursuant to Sec. 15.9(6). A certification of the approval of the certified survey shall be inscribed legibly on the face of the map. All outstanding

special assessments shall be paid prior to approval unless determined otherwise by the Board.

- 15.3.5.2 The Applicant for a land division shall file ten (10) blueline prints or other acceptable reproductions of a certified survey map and a written application for approval with the Clerk. The Clerk shall transmit copies of the map to the Plan Commission.
- 15.3.5.3 The Clerk shall transmit copies of the map to the Town Engineer, and the Building Inspector who shall review it for conformance with the provisions of this code, and any applicable comprehensive plans or master plans, ordinances, statutes, rules or regulations and submit their report and recommendations to the Plan Commission within fourteen (14) days from the date of transmission.
- 15.3.5.4 The Plan Commission shall recommend approval or conditional approval or rejection of the map to the Board. If approval is recommended, the map shall be referred to the Board for consideration. The Board shall then approve or reject the map. One copy of the map shall be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Board, failure to complete the action required herein within sixty (60) days of the filing of the map shall constitute an approval of the map.
- 15.3.5.5 The subdivider shall record the certified survey map with the Register of Deeds for Dane County after it has been approved, and shall file a certified copy of the recorded map with the Clerk within ten (10) days after the map is recorded.
- 15.3.5.6 No building permits shall be issued and no improvements may be made until the approved certified survey map is recorded.

15.3.6 Comprehensive Development Plans.

- 15.3.6.1 When the subdivider has 80 acres or more of land under his control, a comprehensive development plan (CDP) may be filed in lieu of a preliminary plat for all land under the control of the subdivider. The land may be in a single parcel, or separated only by roads, street, highways or railroad rights-of-way.
- 15.3.6.2 The subdivider shall file ten (10) blueline prints and ten (10) copies of all exhibits hereinafter required together with a written application for approval with the Clerk.

- 15.3.6.3 The CDP and exhibits shall be reviewed by the Plan Commission which shall also refer the CDP and exhibits to the Dane County Regional Planning Commission staff for review and comment.
- 15.3.6.4 The Plan Commission shall recommend approval or conditional approval or rejection of the CDP to the Town Board. If approval or conditional approval is recommended, the CDP shall be referred to the Board for consideration. The Board shall then approve, conditionally approve, or reject the CDP. One Copy of the CDP shall be returned to the subdivider with the date and action endorsed thereon and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Town, failure to complete the action required herein within ninety (90) days of the filing of the CDP shall constitute an approval of the CDP.
- 15.3.6.5 The subdivider shall record the CDP, together with the exhibits, after it has been approved by the Board and shall file a certified copy of the CDP with the Clerk after it has been recorded.
- 15.3.6.6 No major change in a recorded CDP or its exhibits can be made without the approval of the Board. Any proposed change in the CDP or its exhibits shall be filed with the Clerk. The Plan Commission shall determine whether the change is major and within thirty (30) days of filing shall recommend approval or conditional approval of the change to the Board or shall reject the change. If approval or conditional approval is recommended, the proposed change shall be referred to the Board for consideration. The Board shall then approve, conditionally approve, or reject the proposed change within fifteen (15) days. Any approved major change to a CDP and its exhibits shall be recorded and the subdivider shall file a certified copy of the recorded instruments with the Clerk.

15.3.7 Public Notice

Upon application for approval of any subdivision, replat, rezoning request or CSM, the applicant shall provide notice to owners of all adjoining and adjacent landowners of the time, date, and place wherein the Plan Commission intends to review the application. For subdivision zoning requests, such notice shall also be provided to landowners within 500 feet of the property to be subdivided. The applicant shall confirm the identity of the such landowners with the Town, and coordinate the mailing of the notices with the Town. Such written notice shall be provided by first class mail at least seven (7) days before the scheduled Plan Commission meeting.

15.4 PRELIMINARY PLAT

15.4.1 General.

A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a land surveyor registered in this state. A preliminary plat shall be prepared on paper of good quality capable of clearly legible reproduction at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- 15.4.1.1 Title under which the proposed subdivision is to be recorded.
- 15.4.1.2 Location of proposed subdivision by: government lot, quarter-quarter section, township, range, county, and state; and a location map showing the relationship between the plat and its surrounding area and existing streets.
- 15.4.1.3 Date, scale and north point.
- 15.4.1.4 A description of the material of which the corner marker is composed.
- 15.4.1.5 Names and addresses of the owner, subdivider, surveyor, engineer, and the professional land planner involved in the plat preparation.
- 15.4.1.6 The entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development.
- 15.4.1.7 The present zoning and any proposed zoning change for the plat and all land adjacent thereto.
- 15.4.1.8 Location and elevation of any land situated within a flood plain.

15.4.2 Plat Data.

All preliminary plats shall show the following:

- 15.4.2.1 Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.
- 15.4.2.2 Contours at vertical intervals of not more than 2 feet where average slope is less than 5% or 5 feet where slope is 5% or greater. Elevations shall be marked on such contours based upon United States Geological Survey (USGS).
- 15.4.2.3 Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, based upon or established by the best available data.

- 15.4.2.4 Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- 15.4.2.5 Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- 15.4.2.6 Type, width and elevation of any existing Street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, based upon or established by the best available data.
- 15.4.2.7 Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catchbasins, hydrants, power and telephone poles; and the location and size of any existing water and gas mains and underground utilities within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.
- 15.4.2.8 Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- 15.4.2.9 Location, width, length, bearing and names of all proposed streets and public rights-of-way such as alleys and easements.
- 15.4.2.10 Any proposed lake and stream improvement or relocation.
- 15.4.2.11 Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- 15.4.2.12 When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places. All curved lines shall show, either on the lines or in an adjoining table, the radius of the circle, the central angle subtended, the chord bearing, the chord length and the arc length for each segment. The tangent bearing shall be shown for each end of the main chord for all circular lines. When a circular curve of 30-foot radius or less is used to round off the intersection between two straight lines, it shall be tangent to both straight lines, and in such event, it is sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight lines.

- 15.4.2.13 Existing zoning on and adjacent to the proposed subdivision.
- 15.4.2.14 Corporate limits lines.
- 15.4.2.15 Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- 15.4.2.16 Approximate dimensions of all lots and outlots together with proposed lot, outlot, and block numbers.

15.4.3 Street Plans and Profiles.

The subdivider shall provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS data, and plans and profiles shall meet the approval of the Town Engineer.

15.4.4 Testing.

- 15.4.4.1 The Town Engineer may require, and where sanitary sewers are unavailable shall require, that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.
- 15.4.4.2 Prior to final approval, confirmation that the site is suitable for a private onsite wastewater treatment system in compliance with Wis. Admin. Code Chaps. Comm 83 and 85, and any other applicable Department of Commerce or Department and Natural Resources administrative regulation, shall be provided.

15.4.5 Covenants.

The Plan Commission may require submission of a draft of any protective covenants which the subdivider intends to record regulating land use in the proposed subdivision or otherwise protect the proposed development.

15.4.6 Affidavit.

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this code.

15.5 FINAL PLAT.

15.5.1 General.

A final plat prepared by a land surveyor, registered in this state, shall be required for all subdivisions. It shall comply in all respects with the requirements of sec. 236.20 of the Wisconsin Statutes.

15.5.2 Information Required.

The plat shall show correctly on its face, in addition to the information required by sec. 236.20 of the Wisconsin Statutes and sec. 15.4 of this code, the following:

- 15.5.2.1 Exact length and bearing of the centerline of all streets.
- 15.5.2.2 Exact street width along the line of any obliquely intersecting street.
- 15.5.2.3 Railroad rights-of-way within and abutting the plat.
- 15.5.2.4 Setbacks or building lines required by the Town Plan Commission.
- 15.5.2.5 All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- 15.5.2.6 Special restrictions required by the Town Plan Commission relating to access control along public ways or to the provision of planting strips.
- 15.5.2.7 The rural fire number assigned to each lot.

15.5.3 Deed Restrictions.

The Plan Commission may require that deed restrictions be filed with the final plat.

15.5.4 Surface Water Run-Off Statement.

The following statement or variation thereof, will be included on this final plat:

- 15.5.4.1 The owners of lands in this subdivision are estopped from commencing any action whatsoever against the Town of Cottage Grove, Dane County, Wisconsin for damages caused by surface water run—off or drainage.
- 15.5.4.2 These lands have been subdivided with special attention being given to drainage of surface water therefrom the adequate provisions have been provided for the least possible damages therefrom to both the platted and adjacent lands providing the following:
- 15.5.4.3 In all cases easements have been provided for drainage from adjacent plats to the direction through the use of street patterns. All ditches will be planted in grass which will provide dense cover.
- 15.5.4.4 The existing natural watershed direction remains unchanged.

- 15.5.4.5 All streets have been designed with as minimum grade as possible so as to prevent erosion.
- 15.5.4.6 Land now under cultivation shall be planted in grass, and berms constructed as required by the Township. Owners will seed and mulch ditches after road construction is completed where needed to control runoff.
- 15.5.4.7 Topsoil from road construction is to be stockpiled in areas where it will be least affected by erosion run-off.

15.5.5 Survey Accuracy.

The accuracy of the final plat must be certified by the Wisconsin Department of Development.

15.5.6 Surveying and Monumenting.

All final plats shall meet all the surveying and monumenting requirements of Sec. 236.15 of the Wisconsin Statutes.

15.5.7 Certificates.

A final plat shall contain all the certificates required by Sec. 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this code.

15.5.8 Application for Approval.

The plat shall be accompanied by a written application for approval and, if they have not been previously submitted, by the plans, profiles and specifications required by secs. 14.4.3 and 15.10.1 and by the results of any tests required by Sec. 15.4.4.

15.6 CERTIFIED SURVEY MAP.

15.6.1 General.

A certified survey map prepared by a land surveyor registered in this state shall be required for all land divisions. It shall comply in all respects with the requirements of Sec. 236.34 of the Wisconsin Statutes.

15.6.2 Information Required.

The map shall show correctly on its face, in addition to the information required by Sec. 236.34 of the Wisconsin Statutes, the following:

- 15.6.2.1 All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
- 15.6.2.2 Setbacks or building lines required by the Town Plan Commission.
- 15.6.2.3 All lands reserved for future acquisition.

15.6.2.4 Date of the map.

15.6.2.5 Graphic scale.

15.6.2.6 Name and address of the owner, subdivider and surveyor.

15.6.3 Certificates.

15.6.3.1 The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this code.

15.6.3.2 The following certificate of approval shall be typed, lettered or otherwise reproduced legibly on the face of the map:

This certified survey, including any dedications shown thereon, has been duly filed with and approved by the Town Board of the Town of Cottage Grove, Dane County, Wisconsin.

Town Clerk

15.6.3.3 Dedication.

Dedication of streets and other public areas shall require the owner*s and the mortgagee*s, if any, certificate in substantially the same form as required by Sec. 236.21(2) (a) of the Wisconsin Statutes.

15.6.4 Critical Building Locations.

Any building or structure and its location on the lot shall be dimensioned to the nearest 0.1 foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.

15.6.5 Dedications, Testing, and Improvements Required.

Any land division effectuated by a certified survey shall be subject to the provisions of sec. 15.2.4 concerning the reservation and dedication of land; and, unless a waiver is granted, to the provisions of secs. 15.9 and 15.10 concerning required improvements; and to the provisions of sec. 15.4.4 concerning any required tests.

15.6.6 Application for Approval.

The certified survey map shall be accompanied by a written application for approval. Where a change in zoning classification is being or will be requested in connection with the land division, a map showing the present

zoning of the land and all lands adjacent thereto and the proposed zoning shall be submitted with the application for approval.

15.7 COMPREHENSIVE DEVELOPMENT PLANS.

15.7.1 Requirements.

Any comprehensive development plan shall include the following:

- 15.7.1.1 A plan, drawn to a scale of 1"=200' which shows all lands under the control of the applicant which are contiguous or separated only by existing public roads or railroad rights-of-way. The plan shall show the information required by secs. 15.4.1 through 15.4.2.16 and all proposed collector and arterial streets.
- 15.7.1.2 If a waiver of design standards is requested, details showing the proposed deviation from the standards and the reasons therefor.
- 15.7.1.3 The projected population broken down into single-family and multi-family units.
- 15.7.1.4 The multi-family dwelling units broken down into the number of units in each bedroom category on a percentage basis.
- 15.7.1.5 A development schedule clearly indicating the time of completion for the proposed development and each phase thereof.
- 15.7.1.6 A preliminary plat, meeting the requirements of this code. The Plan Commission may waive parts of the requirements.

15.7.2 Design Standards.

The design standards set forth in sec. 15.8 of this code shall apply to a comprehensive development plan. However, if the comprehensive development plan consists of a cluster development or other innovative designs which negate the necessity for meeting those standards, they may be waived by the Board upon recommendation of the Plan Commission and the Town Engineer.

15.7.3 Dedications, Testing, and Improvements Required.

Comprehensive development plans shall be subject to the provisions of sec. 15.2.4 concerning the reservation and dedication of land; to the provisions of sec. 15.9 and 15.10 concerning required improvements; and to the provisions of Sec 15.4.4 concerning any required tests.

15.8 DESIGN STANDARDS.

- 15.8.1 Street Arrangement. Street layouts shall conform to the arrangement, width and location indicated on any applicable official map, master plan, comprehensive plan, or component neighborhood development plan. In areas for which such plans have not been completed, the street layout shall recognize the functional

classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The land division or subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

- 15.8.1.1 Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- 15.8.1.2 Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, shopping centers and other concentrations of population, and to the major streets into which they feed.
- 15.8.1.3 Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- 15.8.1.4 Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Temporary turnarounds may be required where the street ends at the boundary of the subdivision.
- 15.8.1.5 Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage.
- 15.8.1.6 Reserve strips controlling access to streets or alleys are prohibited except where control of such strips is placed with the Town under conditions approved by the Plan Commission.
- 15.8.1.7 Alleys shall be provided in commercial and industrial districts for off—street loading, and service access when required by the Plan Commission but shall not be used in residential areas. When required, alleys shall not be less than 24 feet wide and shall be

continuous through blocks. Dead end alleys shall not be approved, and alleys shall not connect to a major thoroughfare.

15.8.2 Street Names and Building Numbers.

- 15.8.2.1 Street names and building numbers shall be assigned in accordance with the provisions of Chapter 76 of the Dane County Ordinances and consistent with any other Town ordinance or policy.
- 15.8.2.2 Duplication of existing street names in the Madison Metropolitan area or Village of Cottage Grove by similar word, spelling, or sound shall not be permitted.
- 15.8.2.3 Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.
- 15.8.2.4 A street name shall be changed when required to conform to the proposed or existing house numbering base.
- 15.8.2.5 A name which is assigned to a street which is not presently a through Street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
- 15.8.2.6 The following designations shall be used only in the situations indicated:
 - 15.8.2.6.1 Boulevard - A street with a divided pavement either existing or planned. If the divided pavement ends, but the street continues, the same Street name and suffix shall continue.
 - 15.8.2.6.2 Lane - A Street, one block long, not ending in a cul-de-sac.
 - 15.8.2.6.3 Circle - A cul-de-sac of nine lots or more.
 - 15.8.2.6.4 Court - A cul-de-sac of eight lots or less.
 - 15.8.2.6.5 Parkway - A Street abutting a park or greenway or creek.
- 15.8.2.7 The maximum number of street names at one intersection shall be three.
- 15.8.2.8 Street names shall be assigned so that no two intersections have the same exact street names.
- 15.8.2.9 The name of any projection of a Street shall remain unchanged even if the projection terminates in a cul-de-sac.

- 15.8.2.10 The changing of a Street name that does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other provisions of this section.
- 15.8.2.11 Service roads and highways served by them shall have the same street name and designation.
- 15.8.2.12 Approval of Street names on a preliminary plat will not reserve the names nor shall the Town be required to accept such names at the time of final platting.
- 15.8.2.13 A minimum number of letters is desirable in a Street name. The maximum number of letters, not including the prefix or suffix shall not exceed twelve.

15.8.3 Limited Access Highways and Railroad Rights-of-Way.

Whenever the proposed subdivision, land division, or comprehensive development plan contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- 15.8.3.1 In residential districts a buffer strip at least 30 feet in depth, in addition to the normal lot depth required, shall be provided adjacent to a railroad right-of-way or a limited access arterial street. The lot depth required, including such buffer strip, shall not be less than 150 feet. The strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat:

“This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited, and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner.”
- 15.8.3.2 Commercial and industrial districts shall have, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred and fifty (150) feet.
- 15.8.3.3 Streets parallel to a limited access highway or railroad right-of-way shall, when intersecting a major street and highway or collector street which crosses said railroad or highway, be located at a right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- 15.8.3.4 The location of local streets immediately adjacent and parallel to railroad rights-of—way, and in residential areas immediately

adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided.

15.8.4 Street Design Standards.

- 15.8.4.1 Minimum Right-of-Way. The minimum right-of-way of all proposed streets and alleys shall be of the width specified by any applicable master plan, official map, comprehensive plan or neighborhood development study; or if no width is specified therein, the minimum widths shall be as follows:

| <u>Type of Street</u> | <u>R.O.W. Width</u> |
|---------------------------------------|---------------------|
| Principal & Primary Arterials | 120 feet |
| Standard Arterial & Collector Streets | 80 feet |
| Local Streets | 66 feet |
| Marginal Access Streets | 66 feet |
| Alleys | 24 feet |

15.8.4.2 Cul-de-Sac Streets.

- 15.8.4.2.1 Streets designed to have one end permanently closed shall not exceed 1,000 feet in length.
- 15.8.4.2.2 Except as provided in sec. 15.8.4.2.3, streets which are designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way diameter of 120 feet, and a minimum outside curb diameter of 90 feet. The reverse curve on a cul-de-sac shall have a 50 foot minimum radius when the bulb is centered on the street and a 100 foot minimum radius when the bulb is offset.
- 15.8.4.2.3 All streets which are designed to have one end permanently closed, in business, commercial, industrial and manufacturing areas, shall terminate in a circular turnaround having a minimum right-of-way diameter of 130 feet, and a minimum outside curb diameter of 96 feet. The reverse curve on a cul-de-sac shall have a 50 foot minimum radius when the bulb is centered on the street and a 100 foot minimum radius when the bulb is offset.

15.8.4.3 Street Grades.

- 15.8.4.3.1 Unless necessitated by exceptional topography and subject to the approval of the Town Engineer, the maximum street grades shall not exceed the following:

15.8.4.3.1.1 Arterial streets and highways: 4 percent

15.8.4.3.1.2 Collector and local streets and alleys: 8 percent.

15.8.4.3.1.3 Pedestrian Ways: 10 percent unless steps of acceptable design are provided.

15.8.4.3.2 The grade of any street shall in no case exceed 10 percent or be less than 0.48 percent.

15.8.4.3.3 All changes in street grades shall provide sight distances as conditions require as determined by the Town Engineer.

15.8.4.3.4 Street grades shall be established wherever practicable in such a manner to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.

15.8.4.4 Radius of Curvature.

15.8.4.4.1 When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

15.8.4.4.1.1 Arterial streets and highways: 450 feet.

15.8.4.4.1.2 Collector Streets: 250 feet.

15.8.4.4.1.3 Local streets: 150 feet.

15.8.4.4.2 A tangent at least one hundred fifty (150) feet in length shall be provided between reverse curves on arterial and collector streets, and 100 feet in length between reverse curves on local streets.

15.8.4.5 Half Streets.

Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. Streets less than full width on the boundary of the tract being subdivided shall not be less than a width sufficient to produce a full pavement, a full terrace on the plat side and a reserve strip as determined by the Plan Commission.

15.8.5 Street Intersections.

15.8.5.1 Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

15.8.5.2 The number of streets converging at one intersection shall not be more than two.

15.8.5.3 The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between

such intersections shall not be less than twelve hundred (1,200) feet.

- 15.8.5.4 Property lines at street intersections shall be rounded with a minimum radius of 15 feet except that at all intersections along collector and arterial streets the radius shall be increased to 25 feet. The Plan Commission may require a larger radius where desirable.
- 15.8.5.5 Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such minor streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the centerline of the arterial or collector Street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous, and a jog is avoided.
- 15.8.5.6 Whenever practicable, the distance between local street intersections shall be no less than 250 feet measured from centerline to centerline.
- 15.8.5.7 The point of curve of the centerline of a curved street which intersects another Street shall not be less than 15 feet, on the property side of the property line of the intersected Street.

15.8.6 Blocks.

- 15.8.6.1 The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography.
- 15.8.6.2 Blocks in residential areas shall not be less than six hundred (600) feet nor more than twelve hundred (1,200) feet in length unless otherwise dictated by exceptional topography or other limiting design factors.
- 15.8.6.3 Pedestrian ways of not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.
- 15.8.6.4 Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- 15.8.6.5 All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines.

15.8.7 Lots.

- 15.8.7.1 The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
- 15.8.7.2 Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- 15.8.7.3 Lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the land is located except for lots situated in commercial or industrial districts the dimensions and area of which shall be those deemed by the Plan Commission, in its sole discretion, to be appropriate for the proposed use of the land.
- 15.8.7.4 The maximum gross density (including roads, utility easements, and park dedication) of any residential development shall not exceed one dwelling unit per acre.
- 15.8.7.5 Residential lots to be served by private sewage disposal facilities shall comply with the requirements of the Wisconsin Department of Commerce, and other applicable State requirements.
- 15.8.7.6 Every lot shall front or abut on a public Street for a distance of at least fifty (50) feet.
- 15.8.7.7 Side lot lines shall, as nearly as practicable, be at right angles to straight streets or radial to curved street lines.
- 15.8.7.8 Lots shall follow municipal boundary lines rather than cross them whenever practicable.
- 15.8.7.9 Corner lots shall have sufficient width to permit adequate building setbacks from side streets.
- 15.8.7.10 Excessive depth in relation to width shall be avoided and a proportion of 2 to 1 (2:1) shall be considered as a desirable ration under normal conditions.
- 15.8.7.11 Residential lots fronting or backing on arterial streets shall be platted with extra depth to permit generous distances between the buildings and such trafficways.
- 15.8.7.12 Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

15.8.7.13 Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow the future division of any such parcel into normal lots in accordance with the provisions of this code.

15.8.7.14 Lands lying between the meander line and the water's edge and any otherwise unplatted land which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

15.8.8 Building Setback Lines.

Where not adequately controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established as required by the Plan Commission.

15.8.9 Utility and Drainage Easements.

15.8.9.1 Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines where necessary, for the installation of storm and sanitary sewers, gas, watermains, electric lines, telephone and cable television communication lines.

15.8.9.2 Easements for electric, telephone, gas, and cable television communication lines shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map.

15.8.9.3 All easements for storm and sanitary sewers, watermains, and pedestrian walks, and other public purposes shall be noted on the plat or certified survey as "Public Easement for" followed by reference to the use or uses for which they are intended.

15.8.9.4 Where the electric or communications facilities or both are to be installed underground, a plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six (6) inches by the subdivider, his agent, or be subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to notify initial and future lot owners of the underground facilities at the time of purchase and to establish responsibility in the event of damage to such facilities or to the need to alter such facilities. When the utility company uses a service application, said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.

- 15.8.9.5 Drainage Easements. Where a land division, subdivision or comprehensive development plan is traversed by a water course, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission and parallel streets or parkways may be required in connection therewith. Wherever possible, the storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, these sizes and design details to be subject to review and approval by the Town Engineer and Plan Commission. Where feasible, drainage easements should substantially maintain existing water flow patterns onto neighboring lands.

15.9 REQUIRED IMPROVEMENTS

15.9.1 Streets.

Standard street improvements shall be installed in all subdivisions and, where required, in any land division.

15.9.2 Sanitary Sewer and Watermains.

Where public utilities are available, sanitary sewers and watermains shall be installed in all subdivisions and, where required, in any land division.

15.9.3 Storm Sewers Storm Water Drainage Facilities

- 15.9.3.1 Storm sewers shall be constructed where required by the Plan Commission.

- 15.9.3.2 Ditches shall be constructed where required by the Plan Commission.

- 15.9.3.2.1 Roadside ditches shall not exceed 10% of grade nor have less than a 1% grade. The maximum single ditch capacity for a 5-year intensity storm shall be not more than the values tabulated as follows:

| <u>Ditch Grade %</u> | <u>Q (c.f.s.)</u> |
|----------------------|-------------------|
| 1 | 2.34 |
| 2 | 3.78 |
| 3 | 4.14 |
| 4 | 4.86 |
| 5 | 5.22 |
| 6 | 5.76 |
| 7 | 6.30 |
| 8 | 6.84 |
| 9 | 7.20 |
| 10 | 7.74 |

15.9.3.2.2 Ditches shall be restored with 4" topsoil, fertilizing, and anchored sodding in accordance with the current Standard Specifications for Road and Bridge Construction, State of Wisconsin Department of Transportation. All sod shall be free of sedges, quackgrass and bentgrass.

15.9.3.2.3 Where ditches are utilized, concrete curb and gutter shall not be required and streets shall be constructed as indicated in Figure 3. The thickness of the pavement shall be determined and prescribed by the Town Engineer in accordance with the functional classification of the proposed street and soil subgrade data available. Any soil subgrade data required by the Town Engineer shall be obtained by the developer's soils engineer and furnished to the Town Engineer without cost.

15.9.3.3 At the time the preliminary plat, or plans for any condominium, group housing project, or planned development are submitted to the Plan Commission for review, the Town Engineer shall prepare a study of the drainage basin or subbasin in which the plat or project is located to determine the design and routing, and of storm sewer and storm water drainage facilities throughout such basin. If such study determines that it is necessary to increase the capacity of the facilities which are to be constructed within the plat or project to enable them to serve the entire basin or subbasin, the Engineer shall then determine that portion of the estimated cost of constructing the required storm sewers and storm water drainage facilities which is attributable to such increase in the capacity of the facilities.

15.9.3.4 The cost of constructing storm sewer and storm water drainage facilities which serve the plat or project but which are not necessary to serve the entire drainage basin or subbasin in which it is located shall be borne solely by the subdivider. Those costs which are attributable solely to increasing the capacity of the required storm sewer and storm water drainage facilities to enable them to serve the entire drainage basin or subbasin shall be paid by the Town and recovered through area charges or special assessments levied against all benefitted properties. Any area charge or special assessment levied pursuant to this section shall be

paid before the final plat is inscribed by the Town Clerk or before any building permit is issued.

15.9.3.5 Area charges levied pursuant to sec. 15.9.3.4 shall be subject to adjustment based upon the Engineering News Record Construction Price Index. In making such adjustments, the year that the area charges for the drainage basin or subbasin were established shall be used as the base year. A copy of said Construction Price Index shall be kept on file at the office of the Town Engineer and shall be made available to the public for inspection and copying upon request.

15.9.4 Improvements to Boundary Lines. All required Street, sidewalk, sanitary sewer, watermain, and storm sewer improvements shall be installed to the boundary line of the subdivision or land division unless the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Plan Commission.

15.9.5 Partition Fences. When the land included in the plat or certified survey map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider may be required to erect, keep and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. When partition fences are required, a covenant binding the subdivider, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes shall be included upon the face of the final plat or certified survey map.

15.9.6 Waiver.

15.9.6.1 Where, in the judgment of the Plan Commission, it would be inappropriate to apply the provisions of this section to a land division because exceptional or undue hardship would result, the Plan Commission may, subject to the provisions of sec. 15.9.6.2, waive or modify the requirements of this section to the extent deemed just and proper.

15.9.6.2 Such relief will be granted only where it will not be detrimental to the public good, impair the intent and purpose of this code, or impair the desirable general development of the community in accordance with the Town Comprehensive Plan. A five- sevenths (5/7) vote of the entire membership of the Plan Commission shall be required to recommend to the Town Board any such waiver or modification.

15.9.6.3 Any waiver, exception, or variance which is granted pursuant to this section shall be made in writing, shall state the reasons which justified it, and shall be filed with the records relating to the land division.

15.9.6.4 Sec. 15.9.6 shall not apply to subdivisions or comprehensive developments.

15.10 REQUIRED IMPROVEMENTS PROCEDURE

15.10.1 Plans and Construction Specifications.

Prior to commencing construction of any required improvement, the subdivider shall prepare construction plans and specifications and submit them to the Town Engineer for review and approval. The Town Engineer may require the submission of the following plans and accompanying construction specifications before authorizing construction or installation of the improvements:

- 15.10.1.1 Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- 15.10.1.2 Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- 15.10.1.3 Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
- 15.10.1.4 Plans and specifications for any water supply system.
- 15.10.1.5 Water-main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- 15.10.1.6 Plans and specifications for all utilities and underground facilities.
- 15.10.1.7 Planting plans showing the locations, age and species of any required street trees.
- 15.10.1.8 Such additional special plans or information as may be required by the Town Engineer.

15.10.2 Private Contracts.

The developer shall engage one general contractor whose qualifications have been approved by the Board for each major phase of construction (grading, utilities, streets) or one general contractor for a contract which includes more than one phase of construction. No private contract shall be awarded until all bids have been reviewed by the Town Engineer.

15.10.3 Scheduling

The construction schedule for all required improvements shall be approved by the Town Engineer. Construction cannot be commenced on any phase of construction until all approvals and conditional requirements are satisfied and a copy of the private contract has been filed with and approved by the Board.

15.10.4 Street Grading.

- 15.10.4.1 The developer shall furnish standard drawings which indicate the existing and proposed grades of streets shown on the plat, and after review of design engineering work on the streets and approval of street grades by the Town Engineer, the subdivider shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots. In those cases where existing street right-of-way is made a part of the subdividers*s plat or abuts the plat, he shall grade or cause to be graded that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street right-of-way shall be graded to subgrade elevation. The Town Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved. The grading of rights-of-way for principal and primary arterials shall only be required where necessary to provide access to the streets or lots in the plat. Lots which abut principal and primary arterials shall be graded to proposed street grade or to a grade approved by the Town Engineer prior to the sale of affected properties.
- 15.10.4.2 The developer shall engage a registered engineer to set sub—base grade in accordance with approved centerline grade and cross section; and to set grades necessary to comply with other grading requirements, including vision clearance on corner lots, centerline and lot line grades for greenways, terrace grading for abutting streets and other required grades. The grading program shall consist of the following elements:
- 15.10.4.2.1 The stripping and removal of all topsoil, debris and vegetation within the road bed.
- 15.10.4.2.2 Grading of full street rights-of-way to a tolerance of 0 to 0.5 feet below proposed centerline grade. Fill sections shall be constructed of approved materials, which do not include topsoil, debris, or vegetation.
- 15.10.4.2.3 Grading beyond right-of-way to insure that the established grade will be preserved. Slopes shall be 1:1 for cut sections and 2:1 or less for fill sections.
- 15.10.4.2.4 Grading of vision clearance triangle on corner lots. (Maximum embankment of three (3) feet above curb elevation within a triangle formed by two intersection street lines or their projections and a line joining points on such street lines located 25 feet from the street intersection).
- 15.10.4.2.5 Where a public greenway is included in the land division or subdivision, the subdivider shall provide for an acceptable

continuous drainageway in the greenway as determined by the Town Engineer.

- 15.10.4.2.6 All additional plat grading, where applicable, lot abutting greenways, terraces of streets abutting plat, public easements for sanitary sewer and sidewalk, and other requirements of ordinances and special conditions of plat approval.

15.10.5 Utilities and Underground Facilities.

- 15.10.5.1 Upon approval of the subgrading and erection of barricades, the developer shall install the water-mains, storm and sanitary sewers, and other utilities. Prior to commencing construction of any required utilities, the subdivider shall submit the construction schedule, plans, and specifications therefor, to the Town Engineer for review and approval and shall furnish proof that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of the utility lines or services for placing their respective facilities underground.
- 15.10.5.2 All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, communications lines, television cables and services, installed within a newly-platted area shall be underground unless the Plan Commission shall specifically find after study that:
 - 15.10.5.2.1 The placing of such facilities underground would not be compatible with the planned development.
 - 15.10.5.2.2 Location, topography, soil, water table, solid rock, boulders, stands of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or
 - 15.10.5.2.3 The lots to be served by said facilities can be served directly from existing overhead facilities.
- 15.10.5.3 Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad—mounted transformers, pad—mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located above ground.
- 15.10.5.4 Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed unless otherwise required by the Plan Commission.

- 15.10.5.5 Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities when installed on utility easements whether overhead or underground shall not disturb any monumentation in the plat.
- 15.10.5.6 If underground utilities and standard street improvements are installed in the same year, provision must be made for mechanical compaction of all underground utility ditches or trenches situated within the Street right-of-way.

15.10.6 Greenways.

Where greenways are included within the land division or subdivision:

- 15.10.6.1 The subdivider shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the Town Engineer. The subdivider shall furnish the Town Engineer with a plan outlining the greenway boundaries and location of existing drainageways, if any. In addition, the subdivider shall furnish to the Town Engineer a set of cross-sections (on 50* stations) of the greenway oriented upon a base line as prescribed by the Town Engineer. Where a natural drainageway exists which has acceptable hydraulic capacities including alignment and grade as determined by the Town Engineer, construction will not be required and the existing natural growth shall be preserved. Where such natural growth is not preserved by action of the subdivider or his agent, he shall be responsible for repairing the disturbed areas by sodding. However, in certain locations, as determined by the Town Engineer, where the hydraulic capacities including alignment and grade are not acceptable, such alignment, grade and slopes shall be improved by the subdivider to the interim minimum requirements of a ten-foot wide ditch bottom with four to one side slopes, all to be sodded.
- 15.10.6.2 The subdivider shall install permanent pipes or culverts at a grade designated by the Town Engineer under all streets crossing a greenway or drainageway. Said installation shall be in accordance with the Standard Specifications for Road and Bridge Construction of the Department of Transportation of the State of Wisconsin. All costs of the installation shall be the responsibility of the subdivider. The permanent pipe or culvert shall not be installed previous to the installation of the sanitary sewer on a Street crossing a greenway unless done pursuant to written agreement between the Town and the Subdivider. Culverts required across intersections for temporary street drainage, shall be furnished and installed by the developer at his expense. All temporary culverts installed by the developer shall be completely removed when the streets are constructed to standards and the area restored to as near to original condition as possible as determined by the Town Engineer.

- 15.10.6.3 All ditching and culvert installation shall be done in strict accordance with grades approved by the Town Engineer. The subdivider's engineer shall be responsible for setting the required grades in the field for construction purposes.
- 15.10.6.4 In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway shall not be less than four (4) feet above the flowline of the greenway, or where designated to an elevation established by the Town Engineer, prior to the sale of affected properties. The flowline grade shall be established by the Town Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway limit is prohibited except as authorized by the Town Engineer.

15.10.7 Street Construction.

- 15.10.7.1 General. After completion of the underground utilities and approval thereof, the streets shall be constructed.
- 15.10.7.2 Standard Street Improvements.
- 15.10.7.2.1 Standard street improvement shall include, bituminous base course and bituminous surface course; and when required by the Plan Commission concrete curb and gutter, ornamental Street lights, pedestrian walkways, and curb ramping as required by Sec. 66.0909 of the Wisconsin Statutes.
- 15.10.7.2.2 The construction of standard street improvements can begin only when either:
- 15.10.7.2.2.1 The underground utilities were installed in the previous construction season; or
- 15.10.7.2.2.2 The construction of underground utilities included mechanical compaction and compaction tests have been approved by the Town Engineer.
- 15.10.7.2.3 Upon satisfying either of the requirements of the preceding Section, the developer shall prepare final plans and specifications for the standard Street improvements and submit them, together with all soil subgrade data obtained by its soils engineer, to the Town Engineer. The Town Engineer shall review the plans and specifications; and shall determine and prescribe the thickness of the pavement in accordance with the functional classification of the proposed street and the soil subgrade data.

15.10.7.2.4 Upon written approval by the Town Engineer, the developer can proceed with the construction of the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the Street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so. or unless this requirement is waived, in writing, by the Plan Commission.

15.10.7.2.4.1 Local streets shall be constructed as indicated in Figure 1 provided, however, that a greater or lesser roadway width may be required by the engineer where necessary to assure uniformity along the entire length of any Street. The roadway width as indicated in Column 2 of Table 1 of Figure 1 shall be required where the entire length of any street including any future extension thereof exceeds 1,600 feet and may be required by the Engineer based on anticipated traffic or land use. The thickness of the pavement shall be as prescribed by the Town Engineer.

15.10.7.2.4.2 Collector streets shall be constructed as indicated in Figure 2. The width of the roadway shall be as prescribed by the Engineer based upon the area transportation studies, when available, unless a greater or lesser roadway width is necessary to assure uniformity long the entire length of any Street. The thickness of the pavement shall be as prescribed by the Engineer.

15.10.7.2.4.3 The thickness and width of an arterial street shall be as prescribed by the Town Engineer based upon anticipated traffic volume and any applicable federal, state, or county requirements.

15.10.7.2.5 Driveways.

15.10.7.2.5.1 Curbs shall not be interrupted by openings for driveways or other accessways to private property unless the number and location of such interruptions have been approved by the Plan Commission.

15.10.7.2.5.2 When allowed, curb openings for driveways shall be no less than fourteen feet (14*) nor more than twenty-four feet (24*) in width unless the opening is intended to afford access to a commercially zoned parcel. The width of any driveway opening intended to afford access to commercial property shall be as determined and prescribed by the Plan Commission.

- 15.10.7.2.5.3 Where street improvements do not include curbs and gutters, driveways shall have culvert at the ditch line, as required by the Town. Driveway Ordinance and as specified by the Town Engineer.

15.10.7.2.6 Walkways.

- 15.10.7.2.6.1 Surfaces. The surface of walkways should possess stability and firmness, be relatively smooth in texture, and have a nonslip surface. The use of expansion and contraction joints should be minimized, and their size should be as small as possible, preferable under ½” in width.
- 15.10.7.2.6.2 Drainage Structures. Drainage structures should be placed flush with the surface on which they occur, and grates having narrow parallel bars or patterns with openings larger than ¾” should not be used. Drainage structures should not be located between a curb ramp and the corner or a street or immediately downgrade from a curb ramp.
- 15.10.7.2.6.3 Lighting. Lighting along walkways should vary from ½ to 5 ft. candles, depending on the intensity of pedestrian use, hazards present, and relative need for personal safety.
- 15.10.7.2.6.4 Ramps. Steps and stepped ramps should be avoided if possible in order to facilitate servicing with wheeled vehicles. To facilitate movement over low barriers, a ramp should be installed. Surfaces should be non-slip but not corrugated. Where walkways are required and the street connects with any city or village street, curb ramping shall be provided in accordance with Sec. 66.0909 of the Wisconsin Statutes.
- 15.10.7.2.6.5 Wheel Stops. Wheel stops shall be installed where wheeled vehicles may roll into a hazardous area. They should be 2” to 3” high, 6” wide, and should have breaks in them every 5* to 10* to allow for water drainage off of the walk.

15.10.8 Erosion Control.

The subdivider shall employ all methods reasonable necessary to prevent the erosion, siltation, sedimentation, washing, and blowing of dirt and debris caused by grading, excavations, open cuts, side slopes, and any other surface disturbing activities. Reasonable methods of control shall include, but not be limited to, seeding and mulching, anchored sodding, berm construction, ponding construction, and watering. Where the method of control employed fails, the subdivider shall clean up all displaced materials prior to constructing additional improvements. Plans for erosion control shall be submitted to the Town Engineer for review and approval before any land surface disturbances are made. The Town Engineer's decision concerning the methods of erosion control which the subdivider must employ may be appealed to the Town Board.

15.10.9 Inspection.

Prior to commencing any work within the subdivision, the subdivider shall make arrangements with the Town Engineer to provide for adequate inspection. The Town Engineer shall inspect and approve all completed work prior to the Town's acceptance of the improvements or any release of the security deposited pursuant to sec. 15.2.3.

15.11 ACCEPTANCE OF IMPROVEMENTS.

After all required improvements have been installed, the subdivider shall notify the Town Engineer, in writing, that the work is complete and ready for final inspection; and shall file lien waivers or affidavits, in a form acceptable to the Town and approved by the Town Attorney, evidencing that there are no claims, actions, or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no monies are owed to any surveyor, mechanic, contractor, subcontractor, materialman, or laborer after all required improvements have been installed. The Town Engineer shall inspect the improvements and forward a letter to the subdivider indicating their approval or disapproval. After the improvements have been approved by the Town Engineer, the Clerk will prepare a final billing for engineering, inspection, and legal fees and submit it to the subdivider for payment. When the engineering, inspection, and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, a resolution accepting the project will be adopted by the Town Board.

15.12 RELEASE OF SECURITY.

15.12.1 The security furnished pursuant to sec. 15.2.3 shall remain in full force for a period of one year after the completion of the required improvements and acceptance by the Town Board unless partially released as hereinafter provided. The security shall be held to guarantee the work performed pursuant to private contracts against defects in workmanship and materials. If any defect appears during the period of the guarantee, the subdivider or its contractor shall, at its expense, install replacements or perform acceptable repairs. In the event that the subdivider fails to install the replacement or perform the repairs, the Town may do so and deduct the cost thereof from the security deposit. Unless defects have

appeared and have not been repaired, the Town will release the security to the subdivider upon expiration of the one year guarantee period.

15.12.2 The Town Engineer may from time to time, but no more often than monthly during the course of construction, partially release the security furnished pursuant to sec. 15.2.3 when:

- 15.12.2.1 The reduced security deposit will be sufficient to guarantee the work performed pursuant to private contracts against defects in material and workmanship or will be at least fifteen percent (15%) of the total cost of improvements, or
- 15.12.2.2 Affidavits or lien waivers, in a form acceptable to the Town and approved by the Town Attorney, evidencing full payment for the required improvements which have been completed are submitted with the request for a partial security release;
- 15.12.2.3 An application for a partial security release has been filed with the Town Engineer on or before the tenth day of the month; and
- 15.12.2.4 No building permits have been issued pursuant to sec. 15.14 of this code.

15.13 SIGNING OF CERTIFICATE.

After entering the contract to provide all required improvements; after posting the security required by sec. 15.2.3; after payment of any fee imposed pursuant to sec. 15.2.4.2; after payment of any area charges for storm sewer and storm water drainage facilities; after payment of all outstanding charges due against the lands for local sewers, interceptors, force mains, and life stations previously installed by the Town, Madison Metropolitan Sewerage District or any other sewerage district; and after the subdivider has met all other requirements, the Clerk shall execute the certificate inscribed upon the face of the plat or certified survey attesting to the approval thereof and return it to the subdivider for recording.

15.14 BUILDING PERMITS.

15.14.1 except as provided in sec. 15.14.2 below, building permits shall not be issued for construction on a parcel created by any division, subdivision, or comprehensive development of land until all required improvements have been made and installed and have been inspected and accepted in accordance with sec. 15.11 of this code.

15.14.2 The following shall apply in all instances where building permits are issued prior to the acceptance of the subdivision improvements by the Town.

15.14.2.1 The contract entered pursuant to 15.2.3 or an amendment of such contract shall:

- 15.14.2.1.1 Designate each lot, or space, upon which the subdivider proposes to construct a building;

- 15.14.2.1.2 Contain a provision whereby the subdivider agrees to indemnify and save the Town harmless from any and all claims, actions, demands, or judgments for personal injuries or property damages, together with the actual expenses incurred in connection therewith, arising out of or in any way related to the issuance of such building permits construction within the subdivision including any such claim, action, demand or judgment premised upon the negligence of the Town or any of its officers, agents, servants, or employees; and
- 15.14.2.1.3 Be recorded in the Office of the Register of Deeds for Dane County, Wisconsin.
- 15.14.2.2 The provisions of 15.12.2, relating to release of security prior to completion of improvements, shall not apply when building permits are obtained prior to the completion, inspection and acceptance of all required improvements.
- 15.14.2.3 No building permit shall be issued for construction on any site created in violation of the requirements of this code.
- 15.14.2.4 The building owner shall agree in a written affidavit that occupancy shall not occur, nor shall Occupancy permits be issued, prior to the completion, inspection and acceptance of all required improvements.

15.15 TRANSFER OF DEVELOPMENT RIGHTS (TDR)

15.15.1 Policy.

The policy for the Town's Transfer of Development Rights ("TDR") Program is generally set forth in the Land Use Element of the Smart Growth Comprehensive Plan - 2020, as may be amended from time to time. This general policy is incorporated herein by reference, with the express recognition that there may be individual circumstances that warrant deviation from the general policy or that are not adequately addressed in the general policy. In such cases, the affected individual(s) may submit a request for a variance or interpretation to the Plan Commission. The Plan Commission shall review the request for a variance or an interpretation on a case-by-case basis in the context of the overall intent and spirit of the TDR Program and relevant town planning issues. The Plan Commission shall then provide to the Town Board a written recommendation regarding the variance or interpretation, as well as a recommendation as to whether a formal change to the comprehensive plan is advisable. Following consideration of the Plan Commission's recommendation, and such other information as the Town Board deems advisable, the Town Board shall either grant the variance or provide the interpretation, and shall determine whether and when a formal change to the comprehensive plan should be made. The Town Board shall

have final authority with respect to granting the variance or providing the interpretation.

15.15.2 Procedure for Property in the Sending Areas.

15.15.2.1 List Maintained for Owners Interested in Selling Development Rights

To assist the TDR process, the Town is willing to compile a list of property owners in the sending areas who are willing to participate in the TDR Program. To be placed on this list, the property owner must submit the following to the Town Clerk:

15.15.2.1.1 Property Summary Sheet (to confirm general information). See Exhibit TDR-1, which is attached and incorporated by reference. This list will be available to owners of property in the receiving areas upon request. The list is not exclusive and is being maintained by the Town solely as a courtesy. Although the list may facilitate the transfer of development rights, all negotiations regarding such transfers shall be conducted between the individual property owners involved.

15.15.2.1.2 Density Study from Dane County (to confirm the number of splits available to the property), if requested by Plan Commission.

15.15.2.2 Grant of Limited Conservation Easement, Conveyance of Development Rights and Deed Restrictions ("TDR Easement")

To assure that the conveyance of development rights is properly tracked on the Sending Area Property, the development rights are in fact conveyed from the owner to the developer and the Developer's property is deed restricted as necessary, a TDR Easement shall be executed by the parties.

15.15.2.2.1 The TDR Easement shall be in the form set forth on Exhibit TDR-2, which is attached and incorporated by reference. It may be modified on a case by case basis with approval of the Town Board.

15.15.2.2.2 The TDR Easement shall be by and between the Owner, Town and County.

15.15.2.2.3 The TDR Easement shall be recorded at the Dane County Register of Deeds. A cover letter shall be provided with the TDR easement requesting that the TDR easement be noted on the zoning map and made available for determination of density standards.

15.15.3 Procedure for Property in the Receiving Areas.

15.15.3.1 Notice. Developer contacts the Town Plan Commission and advises Plan Commission of developer's interest in developing property in the receiving area. Plan Commission advises developer of need for rezoning, land division and TDR program.

15.15.3.2 Rezoning.

15.15.3.2.1 Developer applies for rezoning of the property, if necessary.

15.15.3.2.2 If request is acceptable, Plan Commission recommends and Town Board conditionally approves rezoning. Approval shall be "conditional," meaning that approval shall not be effective until all conditions are met.

15.15.3.2.3 Rezone is submitted to County. If request is acceptable, ZNR, County Board and County Executive conditionally approve rezoning.

15.15.3.2.4 Conditions shall include, but are not limited to, the following:

15.15.3.2.4.1 Land division approval.

15.15.3.2.4.2 Deed restriction as to number of housing units, if appropriate.

15.15.3.2.4.3 TDR Easement. (See above for TDR Easement requirements.)

15.15.3.3 Land Division.

15.15.3.3.1 Developer applies for preliminary plat approval or preliminary certified survey map approval, if necessary.

15.15.3.3.2 If request is acceptable, Plan Commission recommends and Town Board conditionally approves land division. For plats, conditional preliminary plat approval is granted. For certified survey maps ("CSMs"), conditional preliminary survey map approval is granted.

15.15.3.3.3 Approval shall be "conditional," meaning that approval shall not be effective until all conditions are met. Conditions shall include, but are not limited to, the following:

15.15.3.3.4 Appropriate conditional zoning.

- 15.15.3.3.5 TDR Easement. (See above for TDR Easement requirements.)
- 15.15.3.3.6 Land division is submitted to County. If request is acceptable, Land Division Review conditionally approves CSM and ZNR, County Board and County Executive approve plat.
- 15.15.3.3.7 Final land division approval shall not be granted by the Town and the Town shall not sign final plat or CSM until the following is received from the developer with respect to the TDR Easement:
- 15.15.3.3.8 Binding offer to purchase/sell development rights (“Purchase Contract”) with the sole condition being approval of the final plat. The Purchase Contract shall be in substantially the same form as on the attached Exhibit TDR-3, which is incorporated herein by reference. The Purchase Contract shall include a provision that the Town and County are third-party beneficiaries who have the right to enforce the Purchase Contract in accordance with its terms and conditions, and that a letter of credit is being provided as additional security for performance (see below).
- 15.15.3.3.9 Letter of credit to assure that developer will purchase development right upon approval of the final plat. The letter of credit is required to confirm that the buyer of development rights will perform in accordance with the Purchase Contract and will provide a signed and recorded TDR easement to the Town. The letter of credit will be released by Town at such time as developer provides Town Clerk with a fully executed original of the TDR Easement that is suitable for recording. Letter of credit must be in a form satisfactory to Town and must include provision that letter of credit cannot be terminated unless lender provides at least 6 weeks written notice to the Town Clerk. Exhibit TDR-4, which is attached and incorporated herein by reference, includes a letter of credit form that is satisfactory to the Town.
- 15.15.3.3.10 Written acknowledgment from developer that no zoning permit will be issued by the County and no building permits will be issued by the Town until the TDR Easement is recorded.
- 15.15.3.4 Miscellaneous:
- County Zoning Approval: Recommended Language for Conditional Approval. Referrals by the Town to the County for rezoning shall recommend that the County’s approval contain the following:

15.15.3.4.1 The rezone is approved conditionally, with one condition being that the applicant must secure a TDR easement with a ratio established by resolution of the Town Board from a sending area designated in the Town Land Use Plan. For rezoning purposes, this condition shall be deemed satisfied if the following conditions are met:

15.15.3.4.2 The Town has received a binding offer to purchase/sell development rights ("Purchase Contract") with the sole condition being approval of the final plat. The Purchase Contract shall include a provision that the Town and County are third-party beneficiaries who have the right to enforce the Purchase Contract in accordance with its terms and conditions, and that a letter of credit is being provided as additional security for performance (see below).

15.15.3.4.3 The Town has received a letter of credit to assure that developer will purchase development right upon approval of the final plat. The letter of credit is required to confirm that the buyer of development rights will perform in accordance with the Purchase Contract and will provide a signed and recorded TDR easement to the Town. The letter of credit will be released by Town at such time as developer provides Town Clerk with a fully executed original of the TDR easement that is suitable for recording. Letter of credit must be in a form satisfactory to Town and must include provision that letter of credit cannot be terminated unless lender provides at least 6 weeks written notice to the Town Clerk.

15.15.3.4.4 The Town has received written acknowledgment from developer that no zoning permit will be issued by the County and no building permits will be issued by the Town until the TDR easement is recorded.

15.15.3.5 Phased Development. In phased developments, the developer can only plat and rezone that portion for which the developer has obtained development rights.

15.15.4Documents.

- TDR-1 Property Summary Sheet
- TDR-2 TDR Easement
- TDR-3 Purchase Contract
- TDR-4 Letter of Credit

15.16 SITING STANDARDS

15.16.1Policy.

The policy for the Town's Land Use Siting Standards is set forth in the Future Land Use section of Chapter J of the Smart Growth Comprehensive Plan -

2020, as may be amended from time to time. The Siting Standards are set forth to promote the goals and objectives set forth in the Comprehensive Plan.

15.16.2 Maps and References.

Map J-3 and Exhibit J-2 as set forth in the Town's Smart Growth Comprehensive Plan - 2020 are expressly incorporated here by reference, as may be amended from time to time. Map J-3 and Exhibit J-2 shall be hereinafter referred to as "Map" and "Exhibit" respectively.

15.16.3 Siting Standards Requirements.

Prior to approval of any land division, certified survey map, or rezoning request, the Plan Commission shall review the request and application for compliance with the Map, Exhibit, District Purposes, Allowable Uses, Siting Standards and Review Criteria set forth herein. Land division, certified survey map, or rezoning requests within the district will be reviewed for consistency with such requirements and failure to comply with such requirements may be the basis for rejection of the request and application.

15.16.4 Land Use Districts and Standards.

The Town is divided into eight districts, which district locations are designated on the Map. Allowable Uses within each district are identified on the Exhibit and shall be primarily limited to such uses. Residential Densities, Review Criteria and Siting Standards for each district are described below, and shall be used as the basis for recommending, accepting, or rejecting any land division, certified survey map, or rezoning request.

15.16.5 Agricultural District.

- 15.16.5.1 Purpose: This district is intended to protect farmland and minimize the amount of land taken out of production. A limited number of residential lots can be created consistent with standards established for the district.
 - 15.16.5.1.1 The Town adopted the A-1 Agricultural District (Exclusive) of the Dane County Zoning Ordinance ("Ag-Exclusive") effective May 15, 1982.
 - 15.16.5.1.2 Non-farm residential development is generally permitted in Ag-Exclusive zones per the standard of one dwelling unit per 35 acres owned which limit has been in effect in the Town since January 1, 1981. Development in this Agricultural district is further limited subject to the requirements listed in sec. 15.16.5.2 to 15.16.5.4 below.
 - 15.16.5.1.3 The Town recognizes that the one lot per 35 acre policy does not mandate the creation of 35-acre lots and adopts the limits below to maintain lots as small as possible and to minimize loss of agricultural land to non-agricultural purposes.

15.16.5.2 Allowable Uses: See Exhibit.

15.16.5.3 Residential Density:

15.16.5.3.1 Residential lots shall be no larger than two (2) acres, unless within the discretion of the Town Board, physical conditions require the creation of a larger lot. In such case, the lot size shall be expanded the minimum amount necessary to accommodate the unique physical condition.

15.16.5.3.2 If the RDU is being used to create a lot that includes a farm residence and/or farm building(s) that existed as of the effective date of this code, said lot shall be no larger than 10 acres.

15.16.5.3.3 Substandard parcels consisting of less than 35 acres as of May 15, 1982 are allowed to be divided into no more than one new lot.

15.16.5.3.4 All lots created in this district will be subject to review on a case-by-case basis.

15.16.5.4 Siting Standards and Review Criteria Residential development in the district is subject to the following standards:

15.16.5.4.1 Non-residential agricultural land within the district shall be preserved to the greatest extent feasible.

15.16.5.4.2 Lot size, splits and parcel limitations shall run with the land, be cumulative, and shall apply to those persons or entities owning land within the Town on May 15, 1982, and to their grantees, heirs, successors and assigns.

15.16.5.4.3 Farm residences for parents or children of the farm operator shall be allowed if the conditional use standards of the zoning district and other applicable requirements are met.

15.16.5.4.4 One-time replacement of the existing farm residence with a new residence for the farm operator shall be allowed. Separation and sale of the old farm residence must meet all zoning district and other applicable requirements. The new houses will count toward the policy of one lot per 35 acres, unless the old residence is demolished. These limitations do not apply to farm houses destroyed by wind, fire, and other acts of God.

15.16.5.4.5 Separation of farm dwelling and related structures which existed prior to January 1, 1981 and which remain after farm consolidation shall be allowed.

15.16.5.4.6 Separation and retention of one lot for a new residence for the farm operator when he or she sells the whole farm shall be allowed. These separated lots will count toward the one

lot per 35 acre density policy. If the farm operator chooses to retire in the existing home, a new home would be allowed for the new operator.

15.16.6 Conservation Residential District or Conservation Subdivisions.

- 15.16.6.1 Purpose. The Town's Conservation Residential District and its Conservation Subdivisions are intended to retain the area's rural character, open space and agricultural land to the greatest extent practicable while allowing for some residential development. According to state law, a conservation subdivision is a "housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible." Wis. Stats. §66.1027. The Town uses the term Conservation Residential District to describe the areas in which Conservation Subdivisions are the only permissible land division for divisions that are 4 or more lots. Conservation Subdivisions must be platted and shall not be created by certified survey maps under Wis. Stats. Ch. 236.
- 15.16.6.2 Allowable Uses. See Exhibit J-3. Single Family Residential Uses including condominiums.
- 15.16.6.3 RDUs. In order to create a buildable lot in this district, a property owner must have a RDU based on the property they own in the Conservation Residential District or a RDU transferred from the Conservation Residential District or Agricultural District under the Town's Transfer of Development Rights ("TDR") Program. All RDUs transferred into this district must comply with the requirements of this district.
- 15.16.6.4 Residential Density. Tracts of land to be developed as conservation subdivisions shall be 10 acres or larger and shall have 4 or more lots. All such land divisions shall conform to the following density standards, unless an express exception is approved by both the Plan Commission and the Town Board:
- 15.16.6.4.1 At least 60 percent of the subject tract shall be protected from further development in perpetuity. Such area is referred to as the "common open space" or "reserve area." The subdivider shall prepare covenants or deed restrictions regarding the common open space for review and approval by the Plan Commission and Town Board. To the extent that the Plan Commission or Town Board request input from the Town Attorney and/or Town Engineer regarding said covenants or deed restrictions, the subdivider shall be required to pay the fees incurred by the Town. Executed covenants or deed restrictions restricting further development in the common open space shall be required as a condition of approval, and shall be recorded simultaneously with the Plat. (Please note that adequate provisions for ownership and maintenance of the common

open space must also be made. See later provisions of this ordinance for detailed requirements.)

15.16.6.4.2 Residential lots shall be no larger than two (2) acres, unless the Plan Commission and Town Board find that physical conditions or other similar factors require the creation of a larger lot.

15.16.6.5 Application and Concept Plan. The first step in the process for seeking approval of a conservation subdivision is submission of an application and concept plan. There is no specific form for the application and concept plan, but rather the subdivider shall provide such descriptive information as the Plan Commission and/or Town Board deems necessary to evaluate the development and determine that it meets the purpose of conservation subdivisions and the requirements of this ordinance. Such information shall include, but not necessarily be limited to, the following:

15.16.6.5.1 Inventory and mapping of existing resources. The subdivider shall provide maps that adequately depict the existing resources in the area proposed for development. The Town may require maps at a scale of no less than one inch to 50 feet. The Town may also require that the maps include topographic contours, soil type characteristics, depth to bedrock and water, hydrologic characteristics, land cover, current and past use, structures, habitat areas, geologic resources, cultural resources and other relevant information.

15.16.6.5.2 Development yield analysis. The subdivider shall provide a “development yield analysis.” This analysis shall include information showing the maximum number of dwelling units that would be permitted under the county zoning ordinance, consistent with the minimum lot size, lot widths, set backs, and other provisions of the county zoning ordinance as well as information regarding the number of dwelling units proposed by the subdivider. Land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g. flood plains, wetlands, steep slopes, and drainage ways) shall be excluded from the development yield analysis.

15.16.6.5.3 Site analysis and concept plan. Using the inventory and mapping provided above and the development yield analysis provided above, and applying the design standards specified in this ordinance, the subdivider shall submit a concept plan. The concept plan should include proposed methods for ownership and management of open or reserve space. It should also include the type of information generally needed to review a preliminary subdivision plat map, as well as information regarding water supply, sanitary sewage disposal, stormwater management and

other relevant issues. The concept plan shall also include a general locator map showing the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract.

- 15.16.6.6 Review of Application and Concept Plan. The Plan Commission shall review the application and concept plan within 45 days of submission of a complete information to the Town Clerk. The Plan Commission may also schedule a visit to the site with the subdivider to review the existing features of the site. If the application and concept plan is approved by the Plan Commission and Town Board, the subdivider shall proceed in accordance with the preliminary plat and final plat review process. In addition to general requirements for plat approval, in order to obtain approval of a conservation subdivision plat, the subdivider must submit and obtain approval of: (1) the covenants or deed restrictions for the common open space (described above); (2) the maintenance plan (which may be incorporated in the covenants and/or deed restrictions) (described below); and, (3) the ownership structure for the common open space (described below).
- 15.16.6.7 Siting Standards and Review Criteria. To obtain approval of the application and concept plan, the subdivider shall be required to meet the intent of this ordinance as well as the following criteria, unless an express exception is approved by both the Plan Commission and the Town Board:
- 15.16.6.7.1 Any proposed dwelling shall be placed so as to allow continuation of neighboring agricultural uses and/or minimize impacts on neighboring agricultural uses, so as to minimize disruption of existing natural features, and so as to prevent visual predominance over the surrounding landscape. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- 15.16.6.7.2 Development shall be primarily limited to areas not containing prime or important soils. Development shall be located on the least productive portion of the farm parcel, with productivity being measured by the soil classification in the *Soil Survey of Dane County*.
- 15.16.6.7.3 Development shall be primarily limited to areas that can support a private septic system.
- 15.16.6.7.4 New roads and utility transmission lines should be located and constructed in a manner that would minimize any impact on prime farmlands and other natural resources. Driveways shall not be permitted to cross productive agricultural lands or disrupt the agricultural use of the property. All driveways must permit safe access by fire trucks, ambulances, and any other emergency vehicles. The

- Town Board or Plan Commission may require notification of the fire chief or other emergency service provider, as well as require their approval, of any driveway configuration.
- 15.16.6.7.5 All existing property boundaries, lot lines and easements must be shown.
 - 15.16.6.7.6 All existing uses, structures, roads, driveways, septic fields and well sites must be shown. All driveways must meet the driveway ordinance requirements.
 - 15.16.6.7.7 The proposed lot lines and approximate location of proposed structures, roads, and driveways septic fields and well sites must be shown.
 - 15.16.6.7.8 Clustering of lots so as to minimize the amount of land devoted to residential use shall be encouraged.
 - 15.16.6.7.9 The minimal level of tree clearing necessary for building shall be shown.
 - 15.16.6.7.10 All structures shall be below ridge crests and shall be developed to blend in with the landscape of the surrounding area.
 - 15.16.6.7.11 Adequate arrangements shall be made for stormwater management including the following: the subdivider shall minimize the use of curb and gutter and maximize the use of open swales; the roof down spouts shall drain to porous surfaces; the peak discharges during the 2, 10 and 100 year storm events shall be no more than predeveloped conditions; and, the development should capture 80% of the sediments/pollutants from the 1 year storm event.
 - 15.16.6.8 Open Space Design and Ownership. The common open space required shall be owned and maintained as set forth below. The common open space design, ownership and maintenance plan must be reviewed and approved by the Town. The common open space shall be undivided and restricted in perpetuity from future development by covenant or deed restriction. Agricultural use of the common open space shall be encouraged. The Town may also require that there be accessible open space for recreational uses and/or that there be a pathway system connecting open space areas with the neighborhood or developed lots on the plat.
 - 15.16.6.9 Ownership Requirements for Common Open Space and Any Common Facilities.
 - 15.16.6.9.1 Alternatives. The designated common open space and any common facilities may be owned and managed by one or a combination of the following:

- 15.16.6.9.1.1 A homeowners' association.
 - 15.16.6.9.1.2 A condominium association established in accordance with the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes.
 - 15.16.6.9.1.3 A nonprofit conservation organization approved by the Town.
- 15.16.6.9.2 Homeowners' Association. A homeowners' association shall be established if the common open space is proposed to be owned by a homeowners' association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the common open space and any other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners' association shall be submitted for approval to the Town as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners' association shall be subject to review and approval by the Plan Commission and Town Board and shall contain the following information:
- 15.16.6.9.2.1 The legal description of the common open space;
 - 15.16.6.9.2.2 A description of common facilities;
 - 15.16.6.9.2.3 The restrictions placed upon the use and enjoyment of the common open space or facilities;
 - 15.16.6.9.2.4 Persons or entities entitled to enforce the restrictions;
 - 15.16.6.9.2.5 A mechanism to assess and enforce the common expenses for the common open space or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
 - 15.16.6.9.2.6 A mechanism for resolving disputes among the owners or association members;
 - 15.16.6.9.2.7 The conditions and timing of the transfer of ownership and control of common open space and facilities to the association.
- 15.16.6.9.3 Condominium Associations. If the common open space is to be held under the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space. All common open space shall be held as a "common element" as defined in section 703.0 1(2) of the Wisconsin Statutes.
- 15.16.6.9.4 A Nonprofit Conservation Organization. If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the Town. The conveyance to the nonprofit conservation organization must contain appropriate provisions for

reversion, as determined by the Town, in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

15.16.6.10 Maintenance Plan Requirements for Common Open Space and Any Common Facilities. Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be reviewed and must be recommended by the Plan Commission and approved by the Town Board prior to final plat approval. Maintenance plans shall be recorded and run with the land. Maintenance plans shall include provisions addressing the following:

15.16.6.10.1 Maintenance plans can only be amended with the approval of the Town Board.

15.16.6.10.2 The Town shall have the right to proceed at law or in equity against the entity owning the common space and/or the owners of lots within the plat to compel compliance with the terms of the maintenance plan, and to prevent the violation of any of the provisions of the maintenance plan. If the Town resorts to litigation to enforce the terms of the maintenance plan, and if the Town prevails therein, the Town shall be entitled to recover from any and all non-prevailing parties to such litigation, who shall be jointly and severally liable, the Town's litigation costs including attorney fees.

15.16.6.10.3 If the entity owning the common open space and/or the owners of lots within the plat containing the common open space to be maintained in accordance with the maintenance plan fail to perform their obligations under the maintenance plan, the Town may, after giving notice to the entity and owners and 30 days to cure such failures, cause the maintenance to be completed, and recover the cost of such work, including related administrative, legal and engineering costs. Related costs may include, but are not limited to, costs associated with employee time, professional services, billing, late fees, interest, collection costs, special charges, public notices, attending meetings, locating easement or boundary lines, and maintenance and repair plans. Costs may be recovered in the following manner:

15.16.6.10.3.1 Costs shall be billed for payment in full by the entity and/or owners within 30 days after the Town sends its bill.

15.16.6.10.3.2 If the entity and/or owners fail to pay within 30 days after the Town sends its bill, the Town may

specialty charge or specialty assess such costs, and the costs associated with levying the special assessment, both of which shall constitute a lien against such entity's and/or owners' land within the plat. The entity and/or owners waive any and all right to contest such special charge and/or assessment.

15.16.7 Medium-Density Residential District.

15.16.7.1 Purpose: This district is intended to accommodate residential uses at moderate densities.

15.16.7.2 Allowable Uses: See Exhibit.

15.16.7.3 Residential Density: This district shall be limited to lots between 0.5-acres and 1-acre.

15.16.7.4 Siting Standards and Review Criteria:

15.16.7.4.1 Development shall be primarily limited to areas not containing prime or important soils. Development shall be located on the least productive portion of the farm parcel, with productivity being measured by the soil classification in the *Soil Survey of Dane County*.

15.16.7.4.2 Development shall be primarily limited to areas which can support a private septic system.

15.16.7.4.3 New roads and utility transmission lines should be located and constructed in a manner that would minimize any impact on prime farmlands and other natural resources.

15.16.7.4.4 Driveways shall not be permitted to cross productive agricultural lands or disrupt the agricultural use of the property. All driveways must permit safe access by fire trucks, ambulances, and any other emergency vehicles. The Town Board or Plan Commission may require notification of the fire chief or other emergency service provider, as well as require their approval of any driveway configuration.

15.16.7.4.5 All existing property boundaries, lot lines and easements must be shown.

15.16.7.4.6 All existing uses, structures, roads, driveways, septic fields and well sites must be shown. All driveways must meet the driveway ordinance requirements.

15.16.7.4.7 The proposed lot lines and approximate location of proposed structures, roads, and driveways septic fields and well sites must be shown.

15.16.7.4.8 Areas of differing soil productivity shall be delineated.

- 15.16.7.4.9 All natural features such as woodlands, wetlands, flood plains, and steep slopes shall be delineated.
- 15.16.7.4.10 Clustering of lots so as to minimize the amount of land devoted to residential use shall be encouraged.
- 15.16.7.4.11 The minimal level of tree clearing necessary for building shall be shown.
- 15.16.7.4.12 All structures shall be below ridge crests and shall be developed to blend in with the landscape of the surrounding area.

15.16.8 High-Density Residential.

- 15.16.8.1 Purpose: This district is intended to accommodate residential uses at higher densities that would generally be consistent with the densities found along the west side of the Village of Cottage Grove.
- 15.16.8.2 Allowable Uses: See Exhibit.
- 15.16.8.3 Residential Density: This district shall include lots sizes between 0.2-acre and 0.5-acre for lots with central sewer and sizes between 0.5-acre and 1-acre for lots without central sewer. All new subdivisions that are within 400 feet of a central sewer line shall connect to the sewer system.
- 15.16.8.4 Siting Standards and Review Criteria
 - 15.16.8.4.1 Development shall be primarily limited to areas not containing prime or important soils. Development shall be located on the least productive portion of the farm parcel, with productivity being measured by the soil classification in the *Soil Survey of Dane County*.
 - 15.16.8.4.2 Development shall be primarily limited to areas which can support a private septic system.
 - 15.16.8.4.3 New roads and utility transmission lines should be located and constructed in a manner that would minimize any impact on prime farmlands and other natural resources.
 - 15.16.8.4.4 Driveways shall not be permitted to cross productive agricultural lands or disrupt the agricultural use of the property. All driveways must permit safe access by fire trucks, ambulances, and any other emergency vehicles. The Town Board or Plan Commission may require notification of the fire chief or other emergency service provider, as well as require their approval of any driveway configuration.

- 15.16.8.4.5 All existing property boundaries, lot lines and easements must be shown.
- 15.16.8.4.6 All existing uses, structures, roads, driveways, septic fields and well sites must be shown. All driveways must meet the driveway ordinance requirements.
- 15.16.8.4.7 The proposed lot lines and approximate location of proposed structures, roads, and driveways septic fields and well sites must be shown.
- 15.16.8.4.8 Areas of differing soil productivity shall be delineated.
- 15.16.8.4.9 All natural features such as woodlands, wetlands, flood plains, and steep slopes shall be delineated.
- 15.16.8.4.10 Clustering of lots so as to minimize the amount of land devoted to residential use shall be encouraged.
- 15.16.8.4.11 The minimal level of tree clearing necessary for building shall be shown.
- 15.16.8.4.12 All structures shall be below ridge crests and shall be developed to blend in with the landscape of the surrounding area.

15.16.9 Commercial District.

- 15.16.9.1 Purpose: This district is intended to accommodate commercial activities that primarily serve people in the immediate area and provide employment opportunities for Town residents.
- 15.16.9.2 Allowable Uses: See Exhibit.
- 15.16.9.3 Siting Standards and Review Criteria: Commercial uses within the district are conditioned upon provision of the following information and meeting the following criteria:
 - 15.16.9.3.1 The Town and applicant should jointly work with the State Department of Transportation, its District One office, and the Dane County Highway and Transportation Department to ensure that adequate rights-of-way for future roadway expansions are provided and that proper controls on vehicle access (especially the number, design and location of access driveways and intersecting local roadways) are provided.
 - 15.16.9.3.2 Driveway cuts that impede the efficient and safe operations of roadways are prohibited. Shared driveways and frontage road access may be required.

- 15.16.9.3.3 Off-street parking shall be delineated on the site plan, in accordance with the provisions of the Dane County Zoning Ordinance.
- 15.16.9.3.4 No parking or storage of vehicles is permitted within the street right-of-way.
- 15.16.9.3.5 An estimate of public utilities and services required for the operation of the business shall be provided. If the business required levels of service higher than what the Town can provide, especially the provision of sanitary sewer and public water, the proposal shall be disapproved.
- 15.16.9.3.6 A site plan shall be submitted indicating all setbacks and points of access required, the location of all buildings, storage and waste disposal facilities, and the location and type of screening and buffering (see Dane County Zoning Ordinance, Sec. 10.16(7), as may be amended from time to time).
- 15.16.9.3.7 The applicant shall provide an assessment of the traffic volumes generated and types of vehicles that will service or use the new commercial use over the next 5-, 10- and 15-year periods.
- 15.16.9.3.8 If the business is located within 100 feet of an adjacent residence or residential zoning district, the side of the business facing the residence shall be screened by a landscape or other visual barrier.
- 15.16.9.3.9 A plan for storage and/or disposal of solid waste and hazardous materials used in the operation shall be submitted to the Town. The site plan should also identify any noise or odors produced by the business and perceptible at the boundaries of the property.
- 15.16.9.3.10 If the business is to operate at night, all outdoor lighting shall be designated so as not to create glare or shine directly on neighboring residences.
- 15.16.9.3.11 The applicant shall specify the days and hours the business shall be open.
- 15.16.9.3.12 Businesses shall satisfy the requirements of the Dane County Construction Site Erosion Control Ordinance, Chapter 14, Sec. 14.50-14.99, as may be amended from time to time. Stormwater runoff from a commercial development shall be no greater than what existed prior to development.

15.16.10 Agribusiness District.

- 15.16.10.1 Purpose: This district is intended to accommodate those businesses that are related to or support the continuation of agricultural production in the Town and in the region.
- 15.16.10.2 Allowable Uses: See Exhibit.
- 15.16.10.3 Siting Standards and Review Criteria: Commercial activities not directly and uniquely associated with agricultural activities are not permitted. A site plan shall be prepared and submitted to the Plan Commission for approval before a rural business can be established or expanded. The site plan shall include the following information and meet the following criteria:
- 15.16.10.3.1 If a business is located within 100 feet of an adjacent residence or residential zoning district, the side of the business facing the residence shall be screened by a landscape screen or other visual barrier consistent with Dane County Zoning Ordinance screening specifications.
- 15.16.10.3.2 The name and cartway width of the road(s) serving the business shall be shown on the site plan. If the business requires any special access improvements, these shall be shown on the site plan.
- 15.16.10.3.3 A plan for storage and/or disposal of solid waste and hazardous materials used in the operation shall be submitted to the town. The site plan should also identify any noise or odors produced by the business and perceptible at the boundaries of the property.
- 15.16.10.3.4 Off-street parking shall be delineated on the site plan, in accordance with the provisions of the Dane County Zoning Ordinance. No parking or storage of vehicles is permitted within the street right-of-way. The projected traffic levels and types of vehicles proposed to service or use the business shall also be delineated.
- 15.16.10.3.5 If the business is to operate at night, all outdoor lighting shall be designated so as to not create glare or shine directly on neighboring residences.
- 15.16.10.3.6 Businesses requiring high amounts of water usage, large septic tanks or needing fire protection provided by a public system with hydrants should be limited to the urban service area.
- 15.16.10.3.7 Businesses shall satisfy the requirement of the Dane County Construction Site Erosion Control Ordinance, Chapter 14, Sec. 14.50-14.99, as may be amended from time to time. Stormwater runoff from a commercial

development shall be no greater than what existed prior to the development.

- 15.16.10.3.8 Specific conditions may be placed on the business and its operation to comply with the purpose and requirements of the district.

15.16.11 Resource Protection District.

- 15.16.11.1 Purpose: This district is an overlay district intended to recognize those natural resources that are protected by local, state or federal regulations or that need special restrictions intended to protect the resource. Resources in this district include wetlands, floodplains and steep slopes.

- 15.16.11.2 Development Requirements: All development shall conform to all local, state or federal regulations that may apply to these features. It is anticipated that some land in this district may be undevelopable because of such regulations.

- 15.16.11.3 Siting Standards and Review Criteria:

- 15.16.11.3.1 Groundwater quality and quantity shall be preserved, and shall be protected through site control of potential sources of contamination, and by restricting the types of development near wellheads.

- 15.16.11.3.2 Development shall be prohibited on slopes greater than 12%.

- 15.16.11.3.3 Slopes greater than 20% shall not be disturbed for driveways.

- 15.16.11.3.4 Present woodlands over ten acres shall not be further divided into parcels of less than ten acres.

- 15.16.11.3.5 All development shall be consistent with and meet the requirements of Chapter 11 of the Dane County code of Ordinances regulating shore lands, wetlands, and flood plains.

15.16.12 Open Space/Park District.

- 15.16.12.1 Purpose: This district is intended to advance several purposes depending on its location. An area along the western boundary of the Town is shown to provide an undeveloped buffer next to the Madison area. The other district shows property where the landowner intends to keep the property in an undeveloped condition.

- 15.16.12.2 Allowable Uses: See Exhibit.

15.16.12.3 Siting Standards and Review Criteria:

- 15.16.12.3.1 Open Space and Parkland within the district shall be preserved to the greatest extent feasible.
- 15.16.12.3.2 Open space and parkland located outside the district shall meet any requirements set forth in sec. 15.2.4, Dedication and Reservation of Land. Such dedications should be of a size and shape so as to provide usable recreational space.
- 15.16.12.3.3 All proposals for new subdivisions located outside the district shall be reviewed to determine the adequacy of park and open space set aside for the neighborhoods. Trail connections between subdivisions for bicycle and pedestrian use will be stressed.

15.17 TOWN BOARD ZONING, LAND USE AND VARIANCE AUTHORITY.

15.17.1 Dane County Zoning Ordinances. The Town of Cottage Grove is subject to the Dane county zoning ordinances, per Town Board resolution dated January 5, 1981, and approved by the county board on April 5, 1981.

15.17.2 Town Recommendation to County Board. The Town Board is required to make recommendations to the county zoning committee and county board relative to any change of zoning within the Town limits. It is necessary that the Town plan commission and Town Board be properly informed of any request for a change of zoning or land use within the town.

15.17.3 Town Board and Plan Commission Responsibilities. All requests for a change of land use for any parcel in the town, other than variance requests, shall be reviewed by the plan commission and then voted on by the Town Board in accordance with the comprehensive plan, applicable ordinances and statutes.

15.17.4 Variances. A request for a variance from a Town ordinance shall be heard, and acted on directly by the Town Board, at the next regularly scheduled meeting following the notification of adjoining and adjacent landowners.

15.18 LAND DIVISION FEES.

15.18.1 General.

The subdivider shall pay the Town all fees as hereinafter required and at the times specified.

15.18.2 Preliminary Plat, Final Plat, Comprehensive Development Plan and Contract Fees.

- 15.18.2.1 The subdivider shall pay an application fee of Two Hundred Dollars (\$200.00), plus Forty Dollars (\$40.00)¹ for each lot or parcel within the preliminary plat, final plat, comprehensive development plan, or contract to the Town Treasurer at the time the application for approval is filed.
- 15.18.2.2 The subdivider shall pay all engineering, inspection, consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any preliminary plat, final plat, comprehensive development plan, or contract, to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Engineering, inspection, consulting, and legal fees shall be the actual cost to the Town. Such fees may be billed monthly, or upon completion of the project as determined by the Town Board. It is intended that the application fee provided for in sec. 15.18.2.1 above will sufficiently reimburse the cost of Town staff time and expenditures.

15.18.2.3 Payment Guarantee.

To guarantee payment of the engineering, inspection, consulting and attorneys fees required in paragraphs 15.18.2.1 and 15.18.2.2 above, the subdivider shall deposit the sum of Five Hundred Dollars (\$500), plus One Hundred Dollars (\$100)² for each lot or parcel within the preliminary plat with the Town Treasurer at the time that the application for approval is first filed. If the required fees are paid timely, the deposit will be refunded at the time that the final plat is approved by the Town Board or thirty days after the preliminary or final plat is rejected. In the event that the subdivider fails to pay such required fees within fourteen days of the time when the Town submits its bill therefore, the Town may deduct the amount of such fees from the security deposit.

¹The fee of Two Hundred Dollars (\$200.00), plus Forty Dollars (\$40.00) per lot or parcel was set in 2002, following consideration of the administrative, processing and review costs. The fee may be increased on an annual basis after 2002 by resolution of the Town Board and shall not require amendment of the Land Division Code.

² The guarantee deposit of Five Hundred Dollars (\$500), plus One Hundred Dollars (\$100) per lot or parcel was set in 2002, following consideration of the typical amount reimbursed by the applicant for engineering, inspection, consulting, attorney, and publishing services and expenses. The guarantee amount may be increased on an annual basis after 2002 by resolution of the Town Board and shall not require amendment of the Land Division Code.

Certified Survey Fees.

- 15.18.2.4 The subdivider shall pay an application fee of One Hundred Seventy-Five Dollars (\$175), plus Twenty-Five Dollars (\$25)³ for each lot within a certified survey to the Town Treasurer at the time the application for approval for any certified survey is filed.
- 15.18.2.5 The subdivider shall pay all consulting and legal fees incurred by the Town for services performed by or on behalf of the Town in conjunction with the design, inspection and review of any certified survey to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority. Consulting and legal fees shall be the actual cost to the Town. Such fees may be billed monthly or upon completion of the project as determined by the Town Board. It is intended that the application fee set forth in paragraph 15.18.3.1 above will cover all Town staff time and expenditures and all consulting fees and expenditures.

15.19 LAND USE FEES

- 15.19.1 A fee, as specified and amended in Town of Cottage Grove Ordinance sec. 07.02(9)⁴, shall accompany each application for a change of land use, including rezones and conditional use permits, for any parcel within the Town limits. The fee shall be in addition to any Dane county fees, which are not a part of this code, and are not paid to the town.
- 15.19.2 In addition to any fee identified in sec. 15.19.1, the person making application for a change of land use shall be responsible for all costs incurred in the notification of adjoining and adjacent landowners, either directly or as a reimbursement to the Town Clerk.
- 15.19.3 As specified in town of Cottage Grove Ordinance sec. 07.02(9), there is no fee for a request for variance from a Town ordinance.

15.20 SMART GROWTH COMPREHENSIVE PLAN

15.20.1 Purpose And Use

- 15.20.1.1 The comprehensive plan of the Town of Cottage Grove, Dane County, Wisconsin, together with the accompanying maps, data, descriptions and analysis is intended to provide the plan commission and the Town Board with a uniform reference format,

³ The fee of One Hundred Seventy-Five Dollars (\$175), plus Twenty-Five Dollars (\$25) per lot or parcel was set in 2002, following consideration of the administrative, processing and review costs. The fee may be increased on an annual basis after 2002 by resolution of the Town Board and shall not require amendment of the Land Division Code.

⁴ The current fee is Two Hundred (\$200.00). Consistent with sec. TCG 07.02(3)(b), the fee may be increased on an annual basis by resolution of the Town Board and shall not require an ordinance amendment.

to assist in making land use decisions, and to comply with sec. 66.1001, Stats.

- 15.20.1.2 The Town of Cottage Grove Smart Growth Comprehensive Plan - 2020 was adopted by the Town Board on January 21, 2002 and is incorporated herein by reference as if fully set forth herein, and as may be amended from time to time. Any program or action of the Town Board that affects land use shall be consistent with the comprehensive plan as adopted and amended by the Town under sec. 66.1001, Stats.

15.20.2 Adoption and Amendment Procedure

- 15.20.2.1 Plan Commission Recommendation Resolution. Adoption or amendment of the comprehensive plan shall comply with the procedures set forth in sec. 66.1001, Stats., as amended. Adoption or amendment of the comprehensive plan shall begin with passage of a resolution by majority vote of the entire plan commission recommending adoption or amendment of the comprehensive plan. Said vote shall be recorded in the official minutes of the plan commission.
- 15.20.2.2 Town Board Review. Following passage of a resolution recommending adoption or amendment by the plan commission, the Town Board shall review the recommendations of the plan commission.
- 15.20.2.3 Public Hearing and Notice. Prior to adoption or amendment of the comprehensive plan by the Town Board, there must be at least one public hearing preceded by a class 1 notice published 30 days before the hearing. The class 1 notice shall contain the date time and place of the hearing, a summary of the proposed comprehensive plan or comprehensive plan amendment, the name of a Town employee to be contacted to provide information about the proposed comprehensive plan or comprehensive plan amendment, the location and time wherein the proposed comprehensive plan or comprehensive plan amendment can be inspected before the hearing, and information about how a copy of the proposed comprehensive plan or comprehensive plan amendment can be obtained.
- 15.20.2.4 Resolution Distribution. Prior to the public hearing, the Town Clerk shall send a copy of the plan commission resolution recommending adoption or amendment of a comprehensive plan, including any maps or descriptive materials that relate to the resolution, to the following: Pinney Public Library, Wisconsin Land Council, Dane County, Dane County Regional Planning Commission, the Village of Cottage Grove, and the Towns of Sun Prairie, Medina, Deerfield, Christiana, Pleasant Springs, Dunn, Blooming Grove, and Burke.

- 15.20.2.5 Public Participation. Prior to adoption of a comprehensive plan, the Town Board shall adopt written procedures designed to foster public participation in the adoption process.
- 15.20.2.6 Written Responses. Prior to adoption of the comprehensive plan or amendments thereto, the Town Board shall respond in writing to any person who has submitted written comments and has requested a written response from the Town Board.
- 15.20.2.7 Adopted by Ordinance. The comprehensive plan or amendments thereto may only be enacted in the form of an ordinance or ordinance amendment adopted by majority vote of all the members-elect of the Town Board (not a simple majority of a quorum).
- 15.20.2.8 Ordinance Distribution. Following enactment of a comprehensive plan or amendments thereto, the Town Clerk shall file the ordinance along with the comprehensive plan or amendment with the entities specified in sec. 66.1001(4)(b), Stats., as listed in 15.20.2.4 above.

15.21 PLAN COMMISSION

15.21.1 Creation

- 15.21.1.1 Pursuant to the authority granted to the Town Board under sec. 60.10(2)(c and h) and 62.23(1), Stats., the Town hereby creates a Town plan commission, which shall act in a continuing capacity with a rotating membership.
- 15.21.1.2 Plan commission members shall be appointed by the Town chair and confirmed by a majority vote of the Town Board members. The chair of the plan commission shall be appointed by the Town chair and confirmed by a majority vote of the Town Board members.

15.21.2 Membership and Term of Service

- 15.21.2.1 The plan commission shall consist of a total of 7 members; 2 board members and 5 electors of the town, acting as citizen representatives.
- 15.21.2.2 The Town Board members shall be appointed annually, and shall serve only as long as they retain their seat on the board.
- 15.21.2.3 The citizen representatives shall be appointed on a staggered basis, with 3 being appointed the first year and 2 being appointed the following year. Each term of service shall be 3 years from the date of appointment.
- 15.21.2.4 Appointments to the plan commission shall be made during the month of April, except as described in 15.21.2.5.

- 15.21.2.5 Whenever a vacancy shall occur in the term of any member of the plan commission, a replacement board member or citizen member shall be appointed within 30 days to fill the remainder of the unexpired term of service.

15.21.3 Officers

- 15.21.3.1 The members of the commission shall elect a secretary on an annual basis at the first scheduled meeting that follows the appointment of new members to the commission.
- 15.21.3.2 The secretary shall keep a full and accurate record of all proceedings of the commission and shall provide the Town Clerk with a written record of these proceedings, on or before the date of the Town Board meeting where action would be taken on any recommendations made by the commission.

15.21.4 Purpose and Function

15.21.4.1 Purpose.

- 15.21.4.1.1 Advisory Capacity to Town Board. The plan commission shall serve in an advisory capacity to the Town Board regarding the continuing implementation of the Town land use plan and/or comprehensive plan, and regarding amendments thereto, as defined in secs. 66.23 and 66.1001, Stats.
- 15.21.4.1.2 Review of Requests for Changes in Land Use. All requests for changes in land use shall be submitted according to secs. 15.17 and 15.2.8 and in accordance with any requirements established by the plan commission. Following submission, all such requests shall be referred to the chair of the plan commission for scheduling and hearing. The plan commission shall review and hear any requests for a change of land use for property within the town, other than those requesting only a variance from a Town ordinance. Following review and recommendation by the plan commission such requests shall be forwarded to the Town Board for final review and adoption. The Town Board shall hear and act on all requests for a variance from a Town ordinance, directly.
- 15.21.4.1.3 Review of Requests for Land Divisions. All requests for land divisions, including preliminary plats, final plats, certified survey maps, and comprehensive development plans, shall be submitted according to secs. 15.2.8, 15.3, applicable land division provisions of this code and in accordance with any requirements established by the plan commission. Following submission, all such requests shall be referred to the chair of the plan commission for appropriate scheduling and hearing. The plan commission

shall review and hear any requests for land division for property within the town. Following review and recommendation by the plan commission such requests shall be forwarded to the Town Board for final review and adoption.

- 15.21.4.1.4 Review of Referrals. The plan commission shall receive and review all required referrals from the Town Board under sec. 62.23(5), Stats., and Chapters 48, 50, 66 and 236 and makes such reports and recommendations as are necessary and appropriate.
- 15.21.4.2 Monthly Meetings and Reports. The plan commission may meet monthly to hear any matters submitted or referred to the plan commission and to conduct any other business allowed by law.
- 15.21.4.3 Creation and Administration of Comprehensive Plan. The plan commission shall prepare, oversee and coordinate the creation and administration of a comprehensive plan as defined in sec. 66.1001, Stats. The comprehensive plan shall contain the elements, follow the procedures and meet the time-lines established in sec. 62.23 and 66.1001 Stats. The plan commission shall ensure that the creation or amendment of the comprehensive plan affords adequate public participation and discussion at every stage of plan preparation, and that such procedures have been reduced to writing and adopted by the Town Board in compliance with sec. 66.1001(4)(a). If the plan commission recommends adoption or amendment of a comprehensive plan, the plan commission shall do so by resolution and referral of same to the Town Board. To be effective, final adoption must be by the Town Board by ordinance in accordance with the procedures set forth in sec. 66.1001(4)(b), Stats. and TCG 15.20.
- 15.21.4.4 Annual Review of Comprehensive Plan.
 - 15.21.4.4.1 The plan commission shall make recommendations to the board on an annual basis, regarding any changes to the comprehensive plan that may be appropriate to ensure the coordinated and harmonious development of the town, in accordance with existing and future needs.
 - 15.21.4.4.2 These recommendations shall follow a formal plan review period, which shall commence annually on the second Wednesday of February and close on the second Wednesday of March.
 - 15.21.4.4.3 Petitions submitted in writing, prior to the close of this period will be reviewed by the commission following a public hearing. After which, the commission shall consider any testimony, conduct any further study and make recommendations to the Town Board for their action.

- 15.21.4.4.4 The Town Board will then consider the commission's recommendations in accordance with TCG 15.20.
- 15.21.4.4.5 The commission may consider comprehensive plan amendments at the direct request of the Town Board at other periods.
- 15.21.4.4.6 Following enactment of amendments, the Town Board shall forward any necessary information to the county board, to be enacted as part of the overall county plan as necessary and required.
- 15.21.4.5 Administration and Records. The plan commission shall administer the comprehensive plan. The plan commission shall maintain on file, a complete and current copy of the comprehensive plan, as amended which has been adopted by the Town Board, and shall ensure that only the adopted version is referenced when reviewing any applications for land division or changes in land use.

15.22 PARKS AND RECREATION COMMITTEE [Text to be developed.]

15.23 LONG RANGE PLANNING COMMITTEE [Text to be developed.]

15.24 DEFINITIONS.

In this Chapter 15 the following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

15.24.1 Assessor. The assessor for the Town of Cottage Grove.

15.24.2 Board. The Cottage Grove Town Board.

15.24.3 Certified Survey. A drawing meeting all of the requirements of Sec. 236.34 of the Wisconsin Statutes which is the map or plan of record for a land division.

15.24.4 Clerk. The Cottage Grove Town Clerk.

15.24.5 Town Engineer. A professional registered engineer or engineering firm approved or retained by the Town Board to perform engineering work relating to this code.

15.24.6 Cluster Development. A development pattern and technique wherein structures are arranged in closely related groups to enable building at higher densities in certain areas while preserving natural features in others. A cluster development would normally incorporate private common open space areas and give emphasis to the pedestrian as opposed to the automobile in its design. The development might also contain owner-occupied row housing with privately owned common property comprising a major element of the development.

15.24.7 Comprehensive Development Plan (CDP). A total site plan of an area of land 80 acres or more in site all under the control of a developer(s) at the time of submission for review. Such a plan shall specify and clearly illustrate the location,

relationship, and nature of all primary and secondary uses, public and private easements, public and private roads, pedestrian paths and common open space.

- 15.24.8 Comprehensive Plan or Town Comprehensive Plan or Smart Growth Comprehensive Plan - 2020. A comprehensive plan or smart growth plan adopted by the Town of Cottage Grove pursuant to secs. 66.1001 and 62.23(2) -(3) of the Wisconsin Statutes. The plan for guiding and shaping the growth and development of the Town of Cottage Grove, including all of its component parts as set forth in the various maps, plats, charts, and descriptive and explanatory matter filed in the office of the Town of Cottage Grove.
- 15.24.9 Extra-territorial Plat Approval Jurisdiction. The unincorporated area outside the City of Madison, and Village of Cottage Grove limits and located in the Town of Cottage Grove in which the City Council or Village Boards have the legal right to approve plats in accordance with Chapter 236 of the Wisconsin Statutes.
- 15.24.10 Final Plat. The map or plan of record of a subdivision and any accompanying material as described in Sec. 15.5.
- 15.24.11 Greenway. An open area of land, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes in addition to their principal use including, but not limited to, vehicular, bicycle, and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basis, park development and other related uses.
- 15.24.12 Land Division. A division of a parcel of land where the act of division creates less than five lots, parcels or building sites of 35 acres each or less in area.
- 15.24.13 Master Plan. Any master, development, or regional plan adopted pursuant to Sec. 62.23, 59.97, 236.46 or 66.0309 of the Wisconsin Statutes which is applicable to the Town of Cottage Grove.
- 15.24.14 Official Map. A map indicating the location, width, and extent of existing and proposed streets, highways, parkways, parks and playgrounds as adopted and amended by the Town Board or by any Village Board or Common Council pursuant to Sec. 62.23(6) of the Wisconsin Statutes.
- 15.24.15 Outlot. A parcel of land, other than a lot or block so designated on a plat or certified survey map.
- 15.24.16 Parcel. Contiguous lands under the control of a subdivider whether or not separated by streets, highways, or railroad rights-of—way.
- 15.24.17 Parks Committee. The Cottage Grove Park Committee.
- 15.24.18 Plan Commission. The Plan Commission of the Town of Cottage Grove.
- 15.24.19 Plan Commercial Site. A specified area of land comprising one or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement and plan of building placement, reciprocal use of off—street parking facilities and reciprocal use of ingress and egress facilities for each building, loading and

parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the Town recorded in the office of the Dane County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the Town. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in any applicable master plan, comprehensive plan, or official map at the time of initial recording unless the designated facility is in public ownership or easement.

- 15.24.20 Planned Development District (PDD). Zoning districts provided for in the Dane County ordinance which allow diversification and variation in the physical development of land in return for an improved environment.
- 15.24.21 Preliminary Plat. A map showing the salient features of a proposed subdivision or land division, as described in sec. 15.4, submitted to the Town for purpose of preliminary consideration prior to all final plats and, when required, prior to all land divisions.
- 15.24.22 Public Way. Any public road, street, highway, walkway, drainageway, or part thereof.
- 15.24.23 Replat. Process of changing, or the map or plat which .changes, the boundaries of a recorded subdivision plat or a part thereof. The division of a block, lot or outlot within a recorded subdivision plat without changing the exterior boundaries of said block, lot or outlot is not a replat but is a land division.
- 15.24.24 Residential Dwelling Unit. A single family dwelling or that part of a duplex, apartment, or other multiple family dwelling occupied by one family or one distinct set of inhabitants.
- 15.24.25 Street. A public way for pedestrian and vehicular traffic, including but not limited to highways, thoroughfares, parkways, throughways, roads, avenues, boulevards, lanes, and places.
 - 15.24.25.1 Arterial Streets and Highways. Those streets which provide rapid movement of concentrated volumes of traffic over relatively long distances. They provide principally for movement of persons and goods between high activity areas.
 - 15.24.25.1.1 Principal Arterials. Those streets serving the major interstate corridors and corridors which connect major cities and regions. These routes provide the highest level of mobility and form a continuous system with constant operating conditions under a high degree of access control.
 - 15.24.25.1.2 Primary Arterials. Those streets serving long trips between important cities and the major intracommunity corridors within the metropolitan area. These routes provide a high level of mobility and constant operating conditions with only occasional minor restrictions.

- 15.24.25.1.3 Standard Arterials. Those streets which more commonly provide for intermediate length trips, thus serving through traffic movement in trade areas or feeding traffic to the principal and primary arterial streets from lower order activity areas not served by such routes.
- 15.24.25.2 Collector Streets. Those streets which provide moderate speed movement of persons and goods within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets. The dual purpose streets of the collector family are also subclassified into two subclasses, namely Connectors and Distributors.
- 15.24.25.2.1 Connector Street. Those streets which perform a semi—arterial function as well as serving as distribution and land access streets.
- 15.24.25.2.2 Distributor Streets. Those street which perform the function of gatherings and distributing traffic from and to the local streets adjacent lands.
- 15.24.25.3 Local Streets Those streets which are designed for low speeds and volumes and are to provide access from low—generation land activities to the collector and arterial systems.
- 15.24.25.4 Marginal Access Streets. Those streets which are parallel and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- 15.24.25.5 Alleys. Those streets which are a secondary means of access for vehicular service to the back or side of properties otherwise abutting on a street.
- 15.24.26 Structure. Anything which has the capacity to contain, used for the occupation or shelter of man or animal or for the storage, receiving, retaining or confining of personal property, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.
- 15.24.27 Subdivider. Any person, firm, corporation, partnership, or entity of any sort, which divides or proposes to divide land in any manner which results in a land division or subdivision.
- 15.24.28 Subdivision. The division of a lot, parcel or tract of land where the act of division:
- 15.24.28.1 Creates five or more lots, parcels or building sites of thirty—five acres each or less in area; or

- 15.24.28.2 Creates five or more lots, parcels or building sites of thirty five acres each or less in area by successive divisions within a period of five years.
- 15.24.29 Town. The Town of Cottage Grove situated in Dane County, Wisconsin.
- 15.24.30 Town of Cottage Grove Development Plan. See Town of Cottage Grove Comprehensive Plan.
- 15.24.31 Urban Service Area. That portion of the Town, which has been designated by the Town Board as the area to which municipal services required in urban areas, including but not limited to, sanitary and storm sewers, water supply and distribution systems, streets and highways, shall be first provided.
- 15.24.32 Water Supply System. Any facilities installed or constructed to obtain, store, treat, or convey water for human consumption or domestic use.

Appendix 15-A
Town of Cottage Grove
Notice of Intent for Change of Land Use
(Instructions for completion of this form are list on the reverse side)

1. Applicant

Name: _____

Address: _____

Zip: _____ Phone: _____

2. Landowner

Name: _____

Address: _____

Zip: _____ Phone: _____

3. Location and description of Land

Parcel No: _____

Parcel size: _____

Parcel address: _____

Description: _____

4. Action requested

(A) Zone change from _____ to _____ for _____ acres

(B) Conditional use permit for _____ acres currently zoned _____

(C) Site approval for _____ on _____ acres (no fee)

5. Intended land use: _____

6. Names and address of adjoining and adjacent landowners (use additional sheet if necessary)

Name: _____

Name: _____

Address: _____

Address: _____

Name: _____

Name: _____

Address: _____

Address: _____

I hereby certify that the information provided on this notice is true and correct. I understand that failure to provide all required information shall be grounds for denial of my request. I also certify that no other change has been requested on this/these parcel(s) in the last twelve (12) months.

Applicant

Date

Landowner

Date

Appendix 15-A
Notice of Intent for Change of Land Use
Completion Instructions

Please read the following instructions carefully. Your cooperation in completing the application accurately will speed the process. Failure to provide complete information will delay consideration of your application. This form will need to be completed and returned to the Town Hall at least two weeks prior to the Plan Commission meeting which is normally held on the fourth Wednesday of each month.

1. Applicant – List the name, address and phone number of the persons submitting this application.
2. Landowner – If the owner of the land is not the applicant, list the landowner's name, address and phone number.
3. Location and description of land – List the existing parcel number, the total existing parcel size, the address of the existing parcel and a brief description of the parcel (as exists prior to the proposed land use change).
4. Action requested – Circle the letter (A,B or C) that applies to the action requested and complete the information appropriate to that request. More than one action may be requested, however, all requests must apply to the same parcel.
5. Intended use – Include a statement of the intended use for the land if the request(s) are granted.
6. Names and addresses of adjacent and adjoining landowners – List the names and addresses of all adjoining and adjacent landowners within 200 feet of the existing parcel (before the land use change) without regard to man-made boundaries such as roads, fence lines, driveways, etc. In applications involving subdivision zoning, all property owners with 500 feet of the parcel must be notified. In this case, the town will determine the landowners of record. The town will provide at least 7 days prior written notice by ordinary mail to landowners affected as noted above. Included in the notice will be time, date and location of the meeting.
7. A scale drawing or map of the entire parcel must be included – On 8½ by 11 inch paper, included as much detail as possible. All current and proposed (approximate) boundaries, structures, sewage systems, wells, driveways and roads must be shown. All approximate dimensions and distances must be specified. Aerial photographs are helpful supplement, but are not sufficient by themselves. Larger maps are helpful, but and 8½ by 11 copy must also be submitted for presentation at the plan commission meeting. All applicable provisions of the Town Comprehensive Plan and Ordinances must be complied with.
8. Fees – A fee of \$250 must be submitted. In addition to this fee, the applicant may be responsible for additional costs incurred in notification of adjoining and adjacent landowners, either directly, or as reimbursement to the town clerk.
9. Scheduling and procedure – This application will not be scheduled until such time as the town clerk has been notified that all adjoining and adjacent landowners have been notified. The Town will accept only one (1) zoning change application on any given parcel in a 12 month period. Land use change requests approved by the town board and plan commission will expire after one year if no further action is taken by the applicant toward receiving approval by the Dane County Board.
10. Plan Commission hearings may be delayed up to one month if not more that one application has been received in that month unless commission per diems are paid by the applicant.

Appendix 15-B

CONTRACT FOR SUBDIVISION IMPROVEMENTS
IN THE PLAT OF _____
TOWN OF COTTAGE GROVE, WISCONSIN

AGREEMENT entered into between _____ a Wisconsin general partnership (the "Subdivider") and the Town of Cottage Grove, a Wisconsin municipal corporation (the "Town").

WITNESSETH:

WHEREAS, the Subdivider has received approval of a land division in accordance with that certain replat identified as the plat of _____ in the Town of Cottage Grove (the "Plat").

WHEREAS, Chapter 15 of the Town of Cottage Grove Code of Ordinances, the "Land Division and Planning Code" (the "Code") requires, among other things, that, as a condition of land division approval, the Subdivider shall agree to make and install all necessary public improvements for the division, including, but not limited to, standard Street and utility improvements and that said improvements be constructed by the Subdivider and dedicated to the Town without cost to the Town, and Subdivider has so agreed;

NOW, THEREFORE,

IN CONSIDERATION of the mutual covenants hereinafter set forth, and the approval of the Plat by the Town, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby mutually agree.

By: _____
Town Clerk

By: _____
Town Chair

Appendix 15-B

STATE OF WISCONSIN)
) SS.
COUNTY OF DANE)

 This instrument was acknowledged before me this ____ day of _____,
20____, by the above-named as the Chairman and Clerk of the Town of Cottage Grove,
respectively.

Notary Public
State of Wisconsin
My commission:_____

STATE OF WISCONSIN)
) SS.
COUNTY OF DANE)

 This instrument was acknowledged before me this ____ day of _____,
20____, by the above-named _____, as the designated manager
of _____.

Notary Public
State of Wisconsin
My commission:_____